



Homeland  
Security

July 13, 2018

Larry Schwartztol  
Counsel  
The Protect Democracy Project  
2020 Pennsylvania Avenue, NW  
#163  
Washington, DC 20006

Re: **Second Interim Release**  
**Protect Democracy Project**  
**17-2202 (2017-HQFO-01153)**

Dear Mr. Schwartztol:

This is the second interim response to your August 3, 2017, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) (2017-HQFO-01153).

For this month's production, DHS processed for release 1,175 pages related to part 5 of your FOIA request. Of the 1,175 pages, 450 pages were non-responsive and 725 pages are being referred to Office of Intelligence and Analysis (I&A) for direct response.

DHS will review at least 250 additional pages of responsive documents for the August 30, 2018 release date.

Sincerely,

A handwritten signature in blue ink that reads "Kevin L. Tyrrell".

Kevin L. Tyrrell  
Director FOIA Appeals and Litigation



Homeland  
Security

July 13, 2018

Larry Schwartztol  
Counsel  
The Protect Democracy Project  
2020 Pennsylvania Avenue, NW  
#163  
Washington, DC 20006

Re: **Third Interim Release**  
**Protect Democracy Project**  
**17-2202 (2017-HQFO-01153)**

Dear Mr. Schwartztol:

This is the third interim response to your August 3, 2017, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) (2017-HQFO-01153).

DHS received a 378 page consult from OPM. Of the 378 pages, 171 pages are released in full, 41 pages are withheld in full pursuant to 5 U.S.C 552(b) (5), (b) (6) (b) (7c) and (b) (7e) and 166 pages are released in part pursuant to 5 U.S.C 552(b) (5), (b) (6) (b) (7c) and (b) (7e). Portions of those pages released in part have been sent to other components for consult as indicated in the release packet.

Sincerely,

A handwritten signature in blue ink that reads "Kevin L. Tyrrell".

Kevin L. Tyrrell  
Director FOIA Appeals and Litigation

**BAN THE BOX**



# Homeland Security

April 17, 2017

The Honorable Kathleen McGettigan  
Acting Director  
U.S. Office of Personnel Management  
Attn: ES/RH  
1900 E Street, NW  
Washington, D.C. 20415-1000

Dear Acting Director McGettigan:

The Department of Homeland Security (DHS), Office of the Chief Human Capital Officer (OCHCO), requests an exception on behalf of a Departmental Component to the prohibition in title 5, Code of Federal Regulations, parts 330 and 731, on making early inquiries into an applicant's criminal and/or adverse credit background history until the hiring agency has made a conditional offer of employment to the applicant.

The following appendix is provided in support of our request for exceptions to the timing of suitability inquiries on behalf of a DHS Component:

- **Appendix A – Exception Request for U.S. Immigration and Customs Enforcement (ICE)**

The Appendix provides comprehensive documentation for the referenced exception request, including the positions that must be filled, the reasons the Component needs these exceptions, and the timing and extent of applicant background inquiries, both current and proposed.

Your consideration of this request is very much appreciated.

Sincerely,


(b) (6)

Owen Yanoan  
Executive Director  
Human Capital Policy and Programs



U.S. Immigration and Customs Enforcement (ICE) requests an exception to the prohibition in 5 C.F.R. § 330 and 731, which prevents hiring agencies from asking preliminary questions about an applicant's criminal and/or unfavorable credit history until the agency has made a tentative job offer to the applicant. Based on specific job-related reasons and the expense of the pre-employment examination process, this exception will enable ICE to make such inquiries, including those contained in the Optional Form (OF) 306 "Declaration for Federal Employment" or other forms used to conduct background investigations, earlier in the application process. ICE is requesting this exception for the following positions:

(b) (5), (b) (7)(E)



ICE is requesting an exception under the criteria in 5 C.F.R. 330.1300, Timing of Suitability Inquiries in Competitive Hiring, in order to conduct both criminal behavior and financial inquiries prior to making a tentative offer of employment. The justification for approving an exception for these positions is as follows:

1. Reason for the agency needing this exception.

ICE is requesting this exception for law enforcement positions for which criminal history and adverse credit history cannot be mitigated during the background investigation adjudication. Eliminating applicants with a disqualifying criminal and/or credit history as early as possible in the process, and eliminating the need for the multi-hurdle pre-employment processing of these applicants, as well as applicants for investigative operational support positions, is in the best interest of ICE. Furthermore, ICE's law enforcement personnel are required to carry a firearm and testify in court. These two aspects of ICE's law enforcement positions make criminal history a major factor in the suitability determination, and it would be costly and inefficient to wait until a tentative offer was presented in the hiring process to make these inquiries. The nature of the investigative operational support work, indicated in the description below, makes criminal and/or unfavorable credit history a major factor in the suitability determination as well.

The Executive Order on Border Security and Immigration Enforcement Improvements, dated January 25, 2017, which requires that ICE take "all appropriate action" to hire an additional 10,000 agents and officers as soon as practicable increases the urgency for this exception. To be in compliance with this mandate, a large-scale hiring effort and an efficient streamlined hiring process will have to be implemented. Since the vetting process is extremely time-consuming and expensive (in particular the requirement to conduct medical examinations, drug and fitness testing, and background investigations), ICE has been seeking ways to make this screening process more efficient and avoid consuming unnecessary resources on the processing of thousands of applicants who will ultimately be rejected during the background investigation stage. The ability to conduct initial suitability determinations for disqualifying factors, such as adverse criminal or financial history, prior to the issuance of a tentative offer of employment is of paramount importance. Otherwise, ICE will unnecessarily expend time, effort and resources on applicants that will ultimately not be granted suitability clearance.

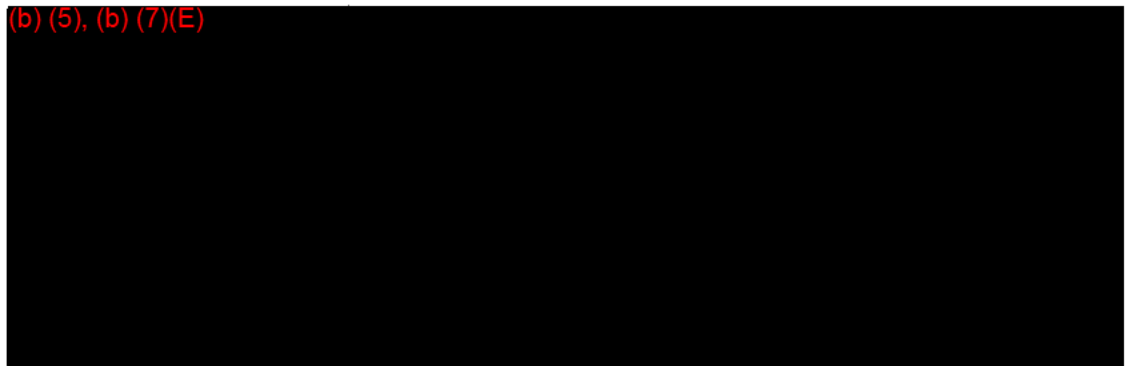
[ ] An exception is needed to ensure compliance with a specific statutory or regulatory requirement, as outlined in: N/A

[X] An exception is needed because of the qualifications requirements of the job. These are described below:

The primary mission of ICE is to support the ongoing objectives of the Department of Homeland Security; specifically, to prevent terrorism and protect America from cross-border crime and illegal immigration that threaten national security and public safety. ICE's agents and officers identify and dismantle criminal networks that traffic in weaponry, narcotics, counterfeit goods and most disturbing of all, human beings. Criminals who believe they can find safe haven in the United States will be identified, located and prosecuted. For the success of this mission, certain information must be obtained from applicants prior to being considered for law enforcement and national security designated positions and investigative operation support positions.

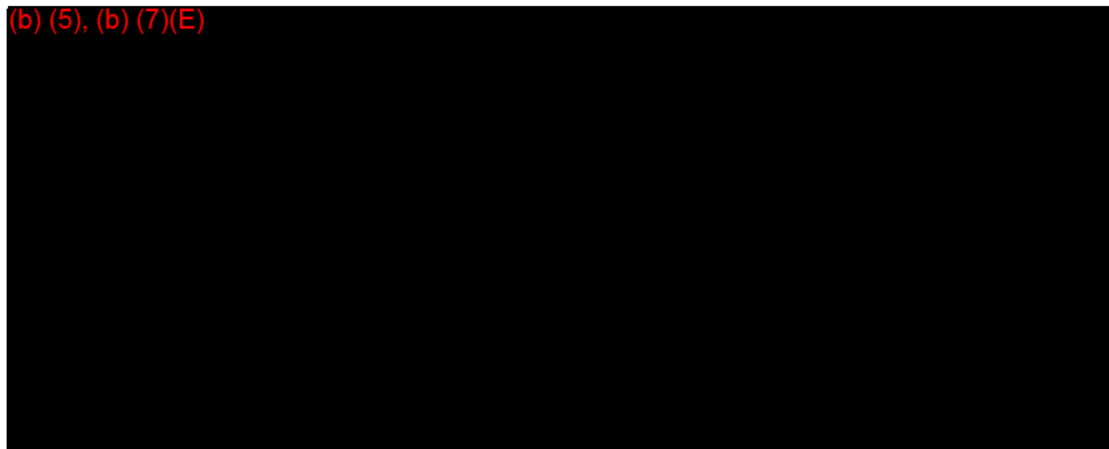
Employees in the law enforcement positions for which ICE is seeking an exception perform the following duties:

(b) (5), (b) (7)(E)



Employees in the investigative operation support positions for which ICE is seeking an exception perform the following duties:

(b) (5), (b) (7)(E)



[X] The expense of the examination process makes it appropriate to adjudicate suitability before expending funds on other examination elements because:

Prohibiting ICE from asking preliminary questions about prior criminal convictions, prior criminal behavior, and adverse credit history will result in ICE processing a much higher number of applicants through the initial pre-employment hiring steps, as applicable (e.g. fitness and drug tests, medical examinations, structured interviews, etc.) This is a misuse of ICE

resources and applicants' time, only to then rescind the offer based on a negative suitability finding pertaining to past criminal convictions and behavior or adverse credit history. This process will also impact ICE's ability to accomplish the mandate in the Executive Order to hire 10,000 law enforcement officers by processing applicants that will not be found suitable for the position. Rather, ICE should be focusing on processing the applicant population that has cleared the initial suitability review.

☐ The public trust or national security would be impacted negatively if inquiries are delayed until a conditional offer of employment is made because: N/A

☐ Other: N/A

2. Timing and extent of applicant background inquiries (current and proposed).

Currently, ICE asks questions regarding an applicant's criminal history, drug usage, and credit history after an applicant has been selected. This information is generally obtained after the OF-306 is received or when a criminal name check is conducted (NCIC).

It would be much more efficient for the agency to ask disqualifying questions (e.g. has the applicant used drugs within a stated time period; does the applicant have outstanding federal debt that does not have a formal payment arrangement, etc.) in the eligibility section of the job opportunity announcement.

If you have any questions regarding this request, please contact Deputy Chief Human Capital Officer, Operations, Office of Human Capital, U.S. Immigration and Customs Enforcement, Karen B. Filippini at (b) (6)



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

Employee Services

JUN 26 2017

Ms. Gwen Yandall  
Executive Director  
Human Capital Policy and Programs  
U.S. Department of Homeland Security  
245 Murray Lane, SW  
Building 410  
Mail Stop 0170  
Washington, D.C. 20528-0170

Dear Ms. Yandall:

The U.S. Office of Personnel Management (OPM) approves, in part, your request, on behalf of the U.S. Immigration and Customs Enforcement (ICE), for an exception to the restriction in 5 C.F.R. parts 330 and 731 on making certain inquiries into an applicant's criminal and/or adverse credit background history prior to making a conditional offer of employment. 5 C.F.R. 330.1300 addresses the requirements and standards for exception requests, in relevant part, as follows:

[I]n certain situations, agencies may have a business need to obtain information about the background of applicants earlier in the hiring process to determine if they meet the qualifications requirements or are suitable for the position being filled. If so, agencies must request an exception from the Office of Personnel Management in order to determine an applicant's ability to meet qualifications or suitability for Federal employment prior to making a conditional offer of employment to the applicant(s). OPM will grant exceptions only when the agency demonstrates specific job-related reasons why the agency needs to evaluate an applicant's criminal or adverse credit history earlier in the process or consider the disqualification of candidates with criminal backgrounds or other conduct issues from particular types of positions. OPM will consider such factors as, but not limited to, the nature of the position being filled and whether a clean criminal history record would be essential to the ability to perform one of the duties of the position effectively. OPM may also consider positions for which the expense of completing the examination makes it appropriate to adjudicate suitability at the outset of the process.

On April 17, 2017, DHS requested exceptions to permit suitability screening earlier in the hiring process for applicants to the following positions (b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)

Ms. Gwen Yandall

2

levels).

DHS indicated adverse criminal conduct would be disqualifying from performing the core position duty to testify in court for the following positions: (b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)

OPM finds that

DHS has furnished sufficient job-related business reasons for making inquiries regarding criminal conduct prior to tentative offer of employment and is approving the request in accordance with 5 C.F.R. 330.1300 for these positions.

(b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)

DHS has not demonstrated specific job-related reasons why the agency needs to evaluate criminal or adverse credit history earlier in the process for these positions.

If you have any questions, please feel free to contact (b) (6) by email at (b) (6) or by phone at (b) (6)

Sincerely,

(b) (6)

Kimberly A. Holden  
Deputy Associate Director  
Recruitment and Hiring



# Homeland Security

March 22, 2017

The Honorable Kathleen McGettigan  
Acting Director  
U.S. Office of Personnel Management  
Attn: ES/RH  
1900 E Street, NW  
Washington, D.C. 20415-1000

Dear Acting Director McGettigan:

The Department of Homeland Security (DHS), Office of the Chief Human Capital Officer (OCHCO), requests exceptions for certain agency Components to the prohibition in title 5, Code of Federal Regulations, parts 330 and 731, on making early inquiries into an applicant's criminal and/or adverse credit background history until the hiring agency has made a conditional offer of employment to the applicant.

The following appendices are provided in support of our request for exceptions to the timing of suitability inquiries on behalf of two of DHS's Component agencies:

- **Appendix A** – *Exception Request for U.S. Customs and Border Protection (CBP)*
- **Appendix B** – *Exception Request for U.S. Secret Service (USSS)*

Each appendix provides comprehensive documentation for the referenced exception request, including the positions that must be filled, the reasons the Components need these exceptions, and the timing and extent of applicant background inquiries, both current and proposed.

Your consideration of these requests is very much appreciated.


Sincerely,

(b) (6)

Gwen Yandall  
Executive Director  
Human Capital Policy and Programs

U.S. Customs and Border Protection (CBP) requests an exception to the prohibition in 5 C.F.R. § 330 and 731, which prevents hiring agencies from making early inquiries into an applicant's criminal and/or adverse credit background history until the agency has made a conditional offer of employment to the applicant. This exception, based on specific job-related reasons, will enable CBP to make such inquiries—including those contained in the Optional Form (OF) 306, "Declaration for Federal Employment" or other forms used to conduct background investigations—earlier in the application process for the following positions:

(b) (5), (b) (7)(E)



CBP is requesting this exception under the criteria in 5 C.F.R. 330.1300, Timing of Suitability Inquiries in Competitive Hiring, in order to conduct both criminal conduct and financial inquiries prior to making a conditional offer of employment. The justification for approving an exception for these positions is as follows:

1. Reasons the agency needs this exception.

CBP is requesting this exception for law enforcement and other critical frontline positions for which criminal history and adverse credit history cannot be mitigated during the background investigation adjudication. For this reason, it is in CBP's best interest to remove applicants with a disqualifying criminal or credit history as early in the process as feasible. This approach saves the agency a significant amount of time, money, and resources. Additionally, the majority of CBP's law enforcement and other critical frontline personnel are required to carry a firearm and testify in court. These two aspects of CBP's law enforcement and frontline positions make criminal history a dispositive factor in the suitability determination, and it would be cost-prohibitive and inefficient to wait until the conditional offer phase of the hiring process to make these inquiries.

In addition to the crucial role that criminal and credit history play in the suitability determination for CBP's law enforcement and frontline positions, CBP is also subject to mandatory staffing floors for its officers and agents, necessitating large-scale hiring efforts and a streamlined and efficient hiring process. The positions for which CBP is seeking exceptions are subject to interviews, medical examinations, fitness examinations, and polygraph examinations prior to hiring, and all must undergo background security investigation to screen out candidates who are unsuitable for hiring based on, among other things, past criminal and financial behavior.

Because this vetting process is extremely time-consuming and expensive (in particular the requirement to run medical examinations, fitness examinations, background investigations, and polygraphs), CBP has been seeking ways to make this screening process more efficient and avoid expending unnecessary resources on the processing of thousands of applicants who will ultimately be rejected at the polygraph or background investigation stages. The ability to conduct initial suitability determinations for disqualifying factors, such as adverse criminal or financial history, prior to the issuance of a tentative offer of employment is of paramount importance. If this



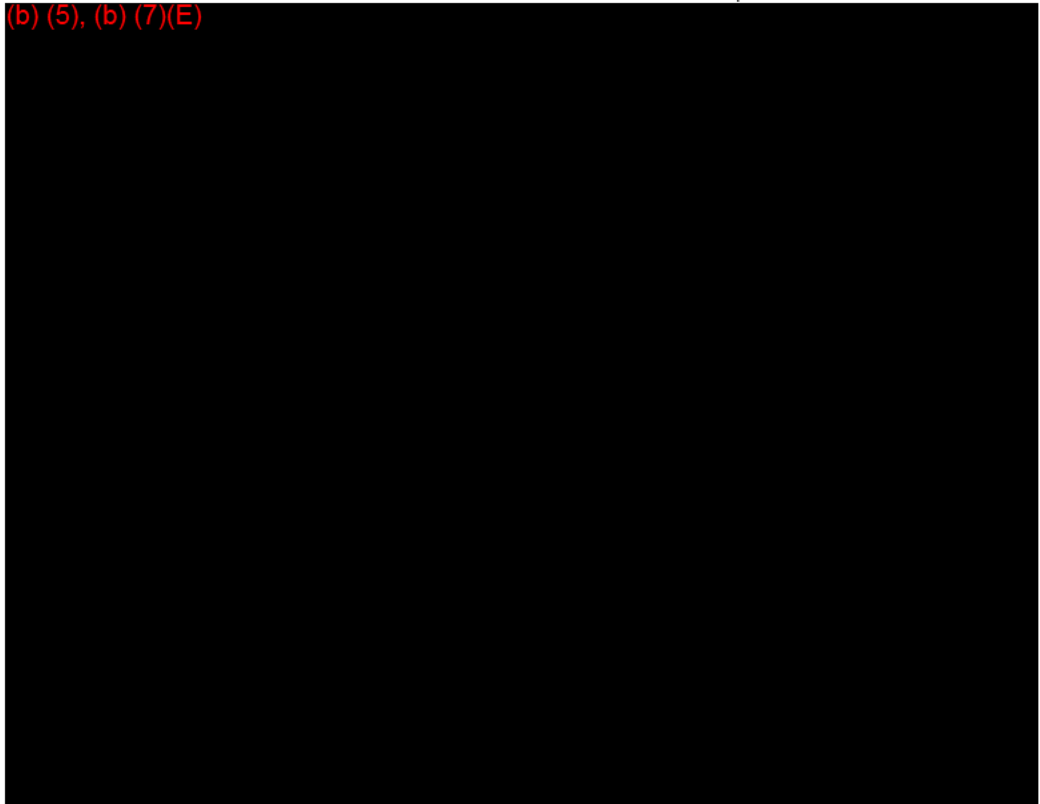
flexibility were eliminated or significantly restricted, the ability of the Agency to hire suitable candidates in the most efficient and cost-effective manner would be compromised.

Increasing the urgency for this exception is the Executive Order on Border Security and Immigration Enforcement Improvements, dated January 25, 2017, which requires that CBP take “all appropriate action” to hire an additional 5,000 BPAs as soon as practicable. Additional guidance mandated the hiring of 500 Air and Marine Agents/Officers. In compliance with these mandates, CBP is proceeding to conduct a massive hiring effort to include significantly increased numbers of law enforcement and frontline positions. In support of this effort, CBP is in the process of examining all available opportunities to streamline the frontline hiring process. The timing of suitability inquiries will remain a critical issue as CBP considers increasingly higher numbers of candidates for law enforcement and frontline positions in fulfillment of these mandates.

☐ An exception is needed to ensure compliance with a specific statutory or regulatory requirement, as outlined in: N/A.

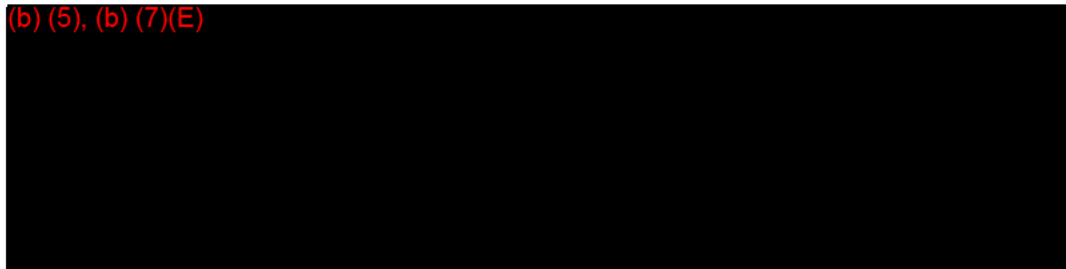
☒ An exception is needed because of the qualifications requirements of the job. These are described below:

CBP is responsible for securing the Nation’s borders. Employees in CBP’s law enforcement and frontline positions are responsible for protecting our Nation’s borders from terrorism, human and drug smuggling, illegal migration, and agricultural pests, while simultaneously facilitating the flow of legitimate travel and trade. Employees in the law enforcement and frontline positions for which CBP is seeking an exception are specifically responsible for performing the major duties listed below:

- (b) (5), (b) (7)(E)
- 



(b) (5), (b) (7)(E)



An exception is requested to include all of the positions listed above based on the national security, border protection, and law enforcement responsibilities performed by incumbents in each of these positions.

[X] The expense of the examination process makes it appropriate to adjudicate suitability before expending funds on other examination elements because:

It is necessary for CBP to receive an exemption for the law enforcement and frontline positions listed above. Currently, CBP requires potential applicants to fill out the "Gateway Questionnaire" prior to the submission of their online application. This "Questionnaire" contains "screen out" questions regarding past criminal convictions, behavior which is criminal in nature, and adverse credit history—if the potential applicant answers these questions affirmatively, s/he will not be able to submit the application. These questions concern behavior which would make the applicant unsuitable for employment, regardless if s/he was found otherwise qualified based on testing scores and work/education experience.

For example, one question asks whether the applicant has been convicted of a crime of domestic violence; this question is necessary because if the applicant has such a past conviction, s/he would not be able to carry a firearm, which is a condition of employment for all law enforcement officers and CBPOs. Likewise, questions regarding whether the potential applicant has ever been convicted of a felony will have a direct impact on the applicant's suitability as well as potentially impact the applicant's ability to carry a firearm. Other questions ask whether the applicant has committed behavior in violation of immigration laws; because CBP enforces the immigration laws of the United States, these questions are closely linked to whether an applicant is suitable to perform law enforcement duties in support of CBP's mission.

Because the new requirement would prohibit CBP from asking questions about prior criminal convictions, prior criminal behavior, and adverse credit history via the Gateway Questionnaire, CBP will be required to process a much higher volume of applicants through the initial pre-employment hiring steps. For example, CBP would need to conduct individual vetting of the applicant's education and work experience and administer entrance, fitness, medical, and polygraph examinations to all applicants prior to making the conditional offer. This is a misuse of CBP resources and applicants' time to have them go through these pre-employment steps to receive a conditional offer, only to then rescind the offer based on a negative suitability finding pertaining to past criminal convictions and behavior or adverse credit history.

Since May 2014, CBP has removed approximately 10 percent of the total applicant population based on information obtained during the initial suitability screen-out questions review. The removal of unsuitable applicants prior to the issuance of the tentative offer resulted in an approximate cost avoidance of \$794 per applicant. During Fiscal Year (FY) 2016, and FY 2017 to date, CBP received approximately 187,000 applications for CBPO and BPA positions. The total number of CBPO and BPA applicants screened out during this period was 18,161. This represents a total cost avoidance of more than \$14 million in less than two years.

☐ The public trust or national security would be impacted negatively if inquiries are delayed until a conditional offer of employment is made because: N/A

☐ Other: N/A

2. Timing and extent of applicant background inquiries (current and proposed).

As outlined above, CBP requires potential law enforcement and frontline applicants to fill out a Gateway Questionnaire prior to submission of their online application. This questionnaire contains screen-out questions regarding past criminal convictions, behavior which is criminal in nature, and adverse credit history. If the potential applicant answers these questions in the affirmative, s/he will not be able to continue past the application process because s/he is deemed ineligible. CBP is requesting an exception to continue the current process, to include continued use of the Gateway Questionnaire at the time of application.

If you have any questions regarding this request, please contact Veronica Bell, Director, Staffing Policy & Compensation Classification Compliance, Human Resources Operations, Programs, and Policy, Office of Human Resources Management, at (b) (6) or (b) (6)



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

Employee Services

JUN 26 2017

Ms. Gwen Yandall  
Executive Director  
Human Capital Policy and Programs  
U.S. Department of Homeland Security  
245 Murray Lane, SW  
Building 410  
Mail Stop 0170  
Washington, D.C. 20528-0170

Dear Ms. Yandall:

The U.S. Office of Personnel Management (OPM) approves, for certain positions as specified below, your request, on behalf of the U.S. Customs and Border Protection (CBP), for an exception to the restriction in 5 C.F.R. parts 330 and 731 on making certain inquiries into an applicant's criminal and/or adverse credit background history prior to making a conditional offer of employment. 5 C.F.R. 330.1300 addresses the requirements and standards for exception requests, in relevant part, as follows:

[I]n certain situations, agencies may have a business need to obtain information about the background of applicants earlier in the hiring process to determine if they meet the qualifications requirements or are suitable for the position being filled. If so, agencies must request an exception from the Office of Personnel Management in order to determine an applicant's ability to meet qualifications or suitability for Federal employment prior to making a conditional offer of employment to the applicant(s). OPM will grant exceptions only when the agency demonstrates specific job-related reasons why the agency needs to evaluate an applicant's criminal or adverse credit history earlier in the process or consider the disqualification of candidates with criminal backgrounds or other conduct issues from particular types of positions. OPM will consider such factors as, but not limited to, the nature of the position being filled and whether a clean criminal history record would be essential to the ability to perform one of the duties of the position effectively. OPM may also consider positions for which the expense of completing the examination makes it appropriate to adjudicate suitability at the outset of the process.

On March 22, 2017, DHS requested exceptions to permit suitability screening earlier in the hiring process for applicants to the following positions: (b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)

However, for certain positions the request did not provide specific reasons for DHS' need to evaluate applicants' criminal or adverse credit history earlier in the process, or for DHS's need to disqualify candidates with criminal backgrounds or other conduct issues. Accordingly, OPM requested a supplementary submission, which DHS provided on April 5, 2017.

OPM is approving the request for the positions requested, in accordance with 5 C.F.R. 330.1300, based on the sufficient job-related business reasons provided by DHS as follows:

- DHS indicates the expense of the examination process makes it appropriate to adjudicate suitability or qualifications before expending funds on other examination elements that are required, including medical examinations, fitness examinations, and polygraphs:

(b) (5), (b) (7)(E)


- DHS indicates adverse criminal conduct or other adverse personal history would be disqualifying from performing the core position duty to credibly testify in grand jury investigations or court or other legal proceedings, making it inefficient to defer suitability screening, for the following positions:

(b) (5), (b) (7)(E)

- DHS indicates conviction of a crime of domestic violence would disqualify an individual from carrying a firearm, which is a condition of employment for the following positions:

(b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)



Ms. Gwen Yandall

3

If you have any questions, please feel free to contact (b) (6) by email at  
(b) (6) or by phone at (b) (6)

Sincerely,

(b) (6)



Kimberly A. Holden  
Deputy Associate Director  
Recruitment and Hiring

## Mahoney, Michael J

---

**From:** Holden, Kimberly A.  
**Sent:** Friday, March 31, 2017 3:25 PM  
**To:** (b) (6)  
**Cc:** (b) (6); Mahoney, Michael J; Yandall, Gwen; (b) (6)  
**Subject:** Re: Status: DHS - Ban the Box Exceptions Submission

(b) (6) can you call me at (b) (6)

Kimberly A, Holden  
Deputy Associate Director, Recruitment and Hiring  
Office of Personnel Management  
(b) (6)

On Mar 31, 2017, at 11:11 AM, (b) (6) wrote:

Kim, As a follow-up to your message to Angie, please see full issue below from CBP regarding their announcements. Any further update or guidance is appreciated.

Thanks  
(b) (6)

CBP:

To ensure proper coordination of our law enforcement announcements (one that is scheduled to close today and another scheduled to open tomorrow) we really need direction from OPM on whether their intent is to provide CBP with an exception. If this is not OPM's intent, we will need to coordinate with our Hiring Team and OPM to make several modifications to our announcements reflecting the requirements of ban the box. This will take a substantial amount of time and work this morning and throughout the today, which is the reason we are eager to get a response.

If you do not believe that we will get a response from OPM by this morning, CBP will extend the closing date of our current CBPO announcement (which closes today) and operate under status quo procedures, excluding the intent of ban the box.

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**From:** Holden, Kimberly A.  
**Sent:** Wednesday, March 29, 2017 9:13:20 AM  
**To:** Bailey, Angela  
**Cc:** Reinhold, Mark D  
**Subject:** Re: Status: DHS - Ban the Box Exceptions Submission

Angie- no need to shut down the announcements.

Kimberly A, Holden  
Deputy Associate Director, Recruitment and Hiring  
Office of Personnel Management  
(b) (6)

On Mar 28, 2017, at 4:30 PM, Bailey, Angela (b) (6) wrote:

We're very concerned this goes into effect in two days. We have jobs on the street. Can we hold it in abeyance since we have submitted our request timely. It will cost us a fortune if we can't get this exception. We will have to shut down our CBP officer and agent announcements. This is a huge deal for us. Do we need to discuss.

---

**From:** Holden, Kimberly A.  
**Sent:** Tuesday, March 28, 2017 4:15:28 PM  
**To:** Bailey, Angela  
**Cc:** Reinhold, Mark D  
**Subject:** RE: Status: DHS - Ban the Box Exceptions Submission

Hi Angie,

Thank you for submitting the Ban the Box exception request. We will finalize our review and response soonest.

With regard to the DHA, we need to make some additional edits to our approval memo in response to your final request that you sent on Friday. I hope to have these changes completed soon so that we can expedite the clearance through OGC.

*Kimberly A. Holden*  
*Deputy Associate Director Recruitment and Hiring*  
*Office of Personnel Management*  
*Employee Services*  
*1900 E Street, N.W. 6500AJ*  
*Washington, DC 20415*

(b) (6)

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**From:** Bailey, Angela [mailto:(b) (6)]  
**Sent:** Tuesday, March 28, 2017 1:54 PM  
**To:** Reinhold, Mark D; Holden, Kimberly A.  
**Subject:** FW: Status: DHS - Ban the Box Exceptions Submission

Mark/Kim—for your awareness. Any assistance we can receive in expediting this request is appreciated. Please let me know if you'd like to discuss further.

Also, following up on our DHA request. I have to report out tomorrow to Dep Sec...and I'd like to say it is approved by OPM. Otherwise, anticipate a call from Chip to Kathy. I have attempted to manage expectations regarding how long things take to clear at OPM.

~Angie

Angela Bailey  
Chief Human Capital Officer  
U.S. Department of Homeland Security

(b) (6)

(b) (6)

To make an appointment, please email or call (b) (6)

<image001.png>

*"With honor and integrity, we will safeguard the American people, our homeland, and our values."*

*Confidentiality Notice: This e-mail message, including any attachments, is intended only for the person(s) or entity(ies) to which it is addressed and contains information that may be confidential, legally protected, privacy relevant, proprietary in nature or otherwise protected by law from disclosure. If you received this message in error, you are hereby notified that reading, sharing, copying or distributing this message, or its contents, is prohibited. Please telephone or reply to me immediately and delete all copies of the message.*

**From:** Yandall, Gwen

**Sent:** Tuesday, March 28, 2017 1:48 PM

**To:** Mahoney, Michael J <(b) (6)>

**Cc:** Bailey, Angela (b) (6)

(b) (6) 'Reinhold, Mark D' (b) (6) (b) (6)

(b) (6) (b) (6)

**Subject:** FW: Status: DHS - Ban the Box Exceptions Submission

Mike,

Need your help in approving the exceptions to timing on suitability inquiries, aka "ban the box" from DHS that were submitted on March 22, 2017.

If OPM does not grant this exception, expeditious hiring will be greatly impacted (please see attached).

CBP's announcement closed on March 27, and we would like this exception approved so they may proceed with their suitability inquiries required in their hiring process.

Please let me know if there are any questions.

Thanks!



GWEN YANDALL

Executive Director

Human Capital Policy and Programs

Department of Homeland Security

(b) (6)



To make an appointment, please email or call (b) (6)

(b) (6)

<image001.png>

"With honor and integrity, we will safeguard the American people, our homeland, and our values."

*Confidentiality Notice: This e-mail message, including any attachments, is intended only for the person(s) or entity(ies) to which it is addressed and contains information that may be confidential, legally protected, privacy relevant, proprietary in nature or otherwise protected by law from disclosure. If you received this message in error, you are hereby notified that reading, sharing, copying or distributing this message, or its contents, is prohibited. Please telephone or reply to me immediately and delete all copies of the message.*

**From:** (b) (6)

**Sent:** Wednesday, March 22, 2017 1:52 PM

**To:** 'Mahoney, Michael J' (b) (6)

(b) (6)

**Subject:** DHS - Ban the Box Exceptions Submission

Mike, as follow up to Gwen's note below, please find attached the DHS request for exceptions to timing of suitability inquiries, aka "ban the box" exceptions request.

We appreciate OPM's expedited consideration of our request. Please contact me with any questions.

R,

(b) (6)

Please confirm receipt of this message due to noted email issues.

(b) (6)

Manager, Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ

(b) (6)

**From:** Yandall, Gwen

**Sent:** Wednesday, March 22, 2017 12:17 PM

**To:** Mahoney, Michael J (b) (6)

**Cc:** (b) (6)

(b) (6)

**Subject:** FW: Upcoming DHS - Ban the Box Exceptions Submission

Hello Mike,

Giving you a heads up. DHS will be submitting our Ban the Box Exceptions later today. We are requesting expedited review and approval of these exceptions as they will directly impact current major hiring efforts by two of our components, CBP and USSS.

Please contact my POC (b) (6) (b) (6) if you have any questions or need additional information.

Thanks for your consideration.

G.  
GWEN YANDALL  
Executive Director  
Human Capital Policy and Programs  
Department of Homeland Security

(b) (6)

To make an appointment, please email or call (b) (6)

(b) (6)

<image001.png>

*"With honor and integrity, we will safeguard the American people, our homeland, and our values."*

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**Mahoney, Michael J**

---

**From:** Mahoney, Michael J  
**Sent:** Thursday, August 10, 2017 8:54 AM  
**To:** (b) (6)  
**Subject:** Re: BTB Exceptions for CPB - CBP's Frontline Gateway Questionnaire Full Context

Yes, that one came thru

Sent from my iPad

On Aug 10, 2017, at 8:47 AM, (b) (6) wrote:

Mike, just checking to see if you received this email/attachment from 7/24, due to the security issues. If not, I'll try and resend.

--

R,

(b) (6)

**From:** (b) (6)  
**Sent:** Tuesday, July 25, 2017 12:42 PM  
**To:** 'Mahoney, Michael J' (b) (6) Holden, Kimberly A.  
(b) (6)  
**Cc:** (b) (6)  
**Subject:** BTB Exceptions for CPB - CBP's Frontline Gateway Questionnaire Full Context

Mike M.,

In response to the "in part" CBP ban-the-box approval, please see the below memo and attachment from DHS-CBP providing more information to the Gateway Questionnaire to gain OPM's endorsement.

The attachment has been encrypted due to the sensitivity of the questionnaire; the password will be sent in email 2.

Please contact me if you have any questions.

Thanks

--

R,

(b) (6)

Manager, Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security


(b) (6)

---

Firstly, CBP would like to extend our gratitude to OPM in securing approval for an exception to the restriction in 5 C.F.R. parts 330 and 731 regarding the timing of suitability inquiries for 7

specific (listed below) mission-critical frontline positions within U.S. Customs and Border Protection (CBP).

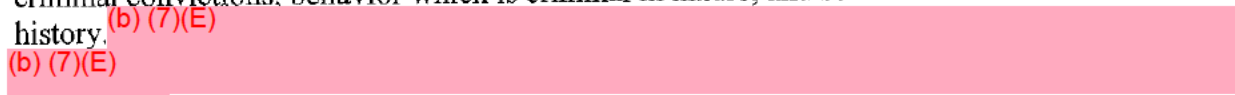
(b) (7)(E), (b) (6)




In response, we would like to provide additional information regarding the CBP Frontline Gateway Questionnaire, to include the full text of the collection and the purpose it serves in the hiring process, for OPMs situational awareness as outlined below.

The full text of the CBP Frontline Gateway Questionnaire is provided as an electronic attachment to the application process. Potential applicants for frontline positions are required to fill out the questionnaire electronically (online) prior to the submission of their online application. The estimated time required to complete the questionnaire is only approximately five (5) minutes. The questionnaire contains minimum screen-out questions regarding past criminal convictions, behavior which is criminal in nature, and severe adverse financial credit history.

(b) (7)(E)



(b) (7)(E)



(b) (7)(E)

(b) (7)(E)


Use of the questionnaire to remove these applicants as early in the process as feasible saves the agency a significant amount of money, time, and resources when filling its mission-critical frontline positions.

We believe that failure to pre-screen applicants, would be a misuse of government resources and applicants' time, and with the use of our online (electronic) Gateway Questionnaire further complies with the Paperwork Reduction Act.

We appreciate the opportunity to provide additional information on the full text of the collection and purpose of CBPs Gateway Frontline Questionnaire.

Note: This document is Law Enforcement Sensitive and please do not share with the public.

If you have questions, please contact me at (b) (6)



<image001.png>

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---

**From:** Mahoney, Michael J  
**Sent:** Monday, June 26, 2017 4:17:29 PM  
**To:** Yandall, Gwen  
**Cc:** Holden, Kimberly A.; (b) (6)  
**Subject:** BTB exceptions for CPB and ICE

Hi Gwen,

Attached are the approvals. Please note that for each OPM approves in part...

-mike

***Michael J. Mahoney***  
***Manager, Hiring Policy***

# DHS DHA ACQUISITION

**Mahoney, Michael J**

---

**From:** Holden, Kimberly A.  
**Sent:** Monday, September 11, 2017 8:31 AM  
**To:** Mahoney, Michael J  
**Subject:** Fwd: REVISED: DHS Acquisitions Workforce DHA Submission - Request for Preliminary Review  
**Attachments:** image001.png; ATT00001.htm; DHS Direct Hire Request - Acquisitions Workforce.docx; ATT00002.htm

Mike- can you get back to (b) (6) on the status of this request? Thanks

Kimberly A. Holden  
Deputy Associate Director, Recruitment and Hiring  
Office of Personnel Management  
(b) (6)

Begin forwarded message:

**From:** (b) (6)  
**Date:** September 8, 2017 at 3:32:33 PM EDT  
**To:** "Holden, Kimberly A." (b) (6) "Jacobs, Karen R" (b) (6)  
**Cc:** (b) (6) (b) (6)  
**Subject:** REVISED: DHS Acquisitions Workforce DHA Submission - Request for Preliminary Review

Hello Kim/Karen,

Please see the attached preliminary request (REVISED) for Direct Hire Authority for initial OPM review. This request is based upon a critical need of candidates due to the border security Executive Order and the impending expiration of government-wide DHA for acquisitions positions.

We request that you please perform an initial review at your earliest convenience and provide us with any necessary feedback. Please contact me if you have questions about the request.

Thank you for your continued efforts in assisting DHS with these requests. Due to reported email delivery issues, please confirm receipt of this request and attachments.

V/r,  
(b) (6)

(b) (6)  
Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ  
(b) (6)

(b) (6)






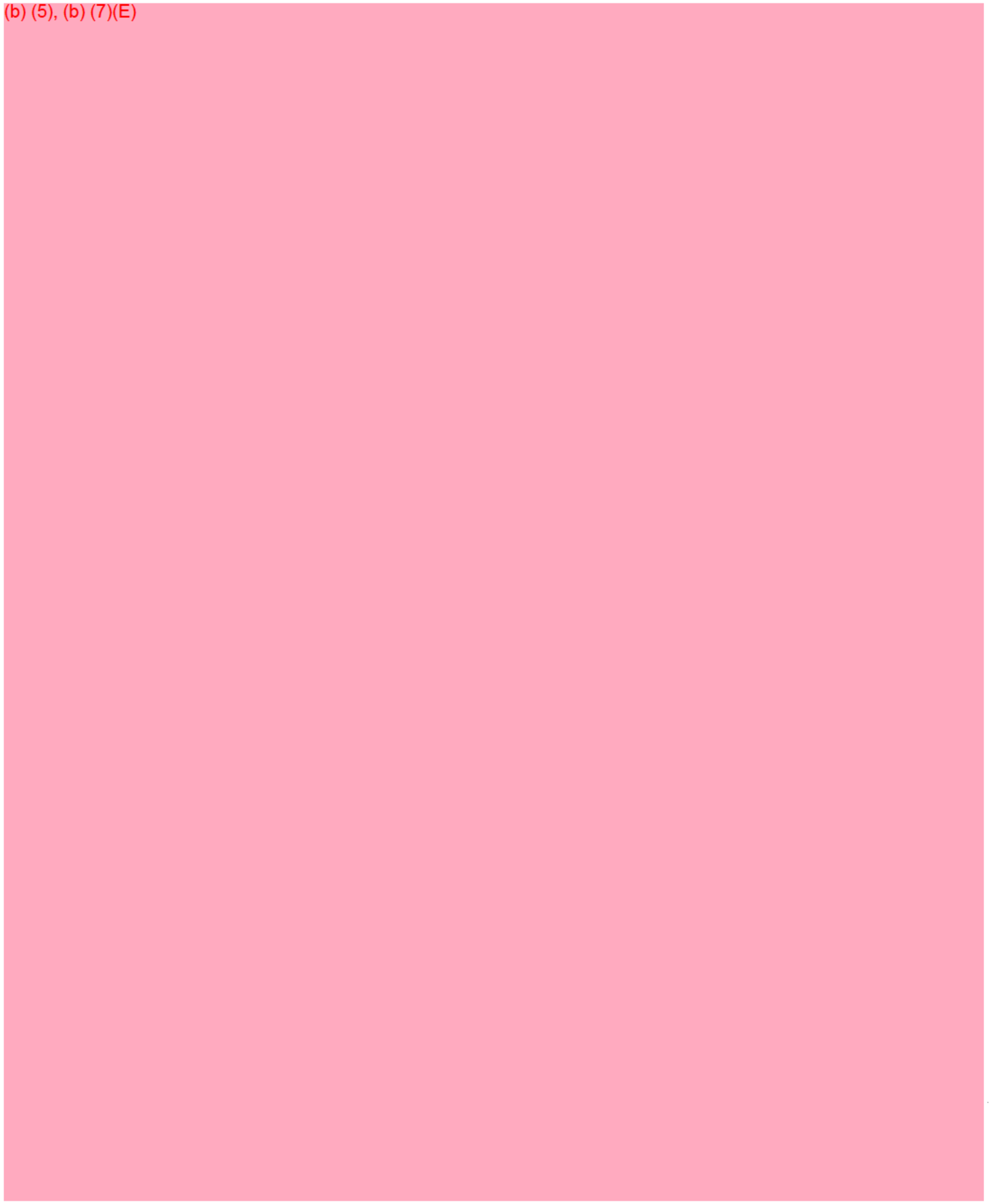


**Homeland  
Security**

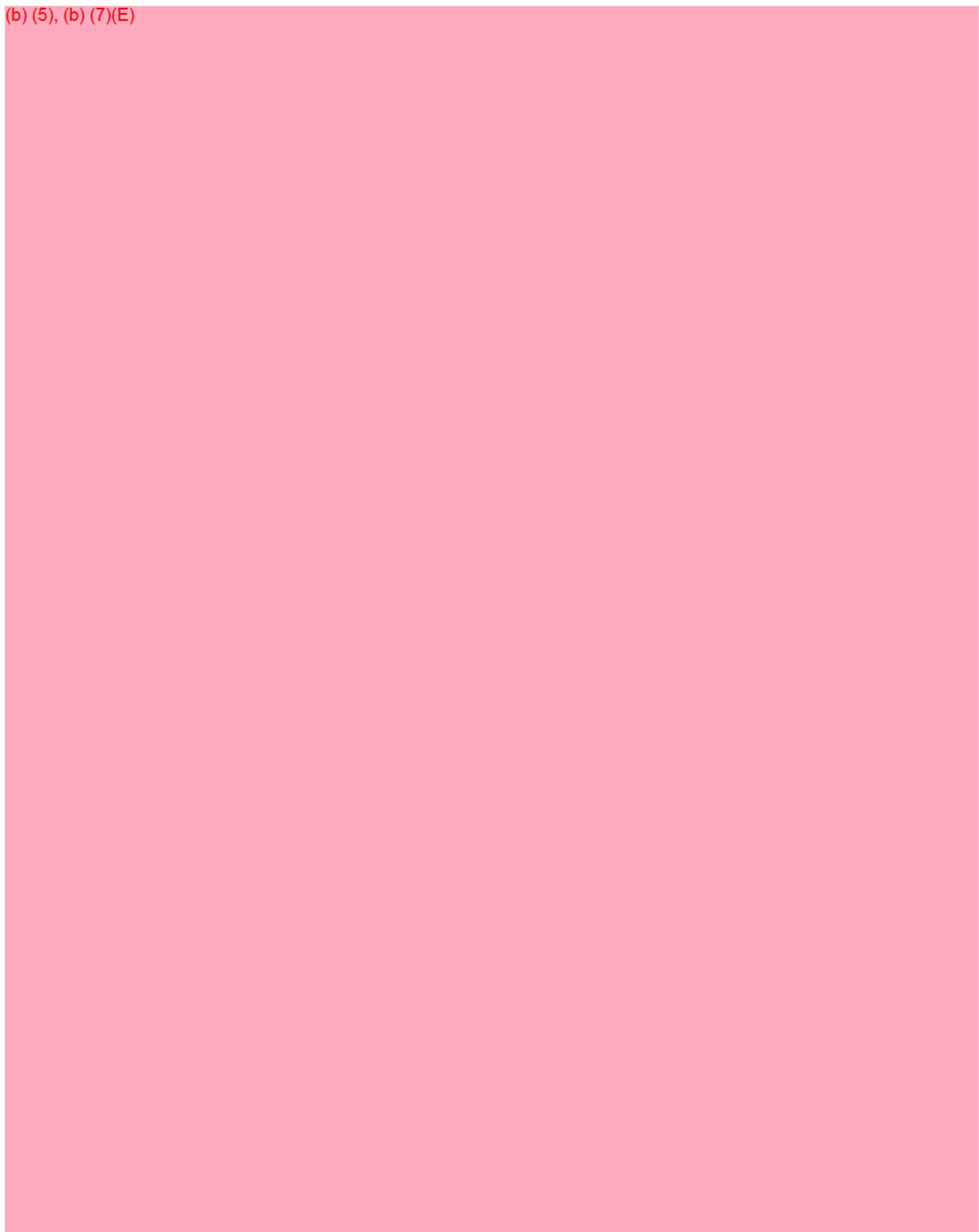
(b) (5), (b) (7)(E)

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(b) (5), (b) (7)(E)



(b) (5), (b) (7)(E)



(b) (5)





Homeland  
Security

(b) (5)

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(b) (5)



(b) (5)



(b) (5)





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(b) (5)



(b) (5)



(b) (5)



(b) (5)



(b) (5)



[illegible]

Current Vacancy
Current Vacancy
Current Vacancy
Current Vacancy

(b) (5)





(b) (5)



(b) (5)



(b) (5)



**Information on Direct-Hire Authority Request for Acquisition Positions within USCIS**

(b) (5)



## Acquisition Information and Data for USSS

(b) (5)



(b) (5)



(b) (5)

A large, solid red rectangular box covers the majority of the page, indicating that the content has been redacted. The redaction is complete, obscuring all text and graphics that might have been present in the main body of the document.

**Mahoney, Michael J**

---

**From:** (b) (6)  
**Sent:** Thursday, August 31, 2017 3:02 PM  
**To:** Mahoney, Michael J  
**Cc:** Holden, Kimberly A.  
**Subject:** RE: DHS Acquisition Workforce DHA Submission - Request for Preliminary Review

Thanks, Mike, we appreciate the quick turnaround. We'll start working on the edits.

(b) (6)

**From:** Mahoney, Michael J (b) (6)  
**Sent:** Wednesday, August 30, 2017 4:44 PM  
**To:** (b) (6)  
**Cc:** Holden, Kimberly A. (b) (6)  
**Subject:** RE: DHS Acquisition Workforce DHA Submission - Request for Preliminary Review

(b) (6)

Here are our initial thoughts on your prelim request:

(b) (5)

(b) (5)

(b) (5)



(b) (5)

Let me know if you'd discuss further

-mike

**From:** (b) (6)

**Sent:** Wednesday, August 23, 2017 12:39 PM

**To:** Holden, Kimberly A.; Jacobs, Karen R

**Cc:** (b) (6)

**Subject:** DHS Acquisition Workforce DHA Submission - Request for Preliminary Review

Hello Kim/Karen,

Please see the attached preliminary request for Direct Hire Authority for initial OPM review. This request is based upon a severe shortage of candidates and the impending expiration of government-wide DHA for acquisition positions.

We request that you please perform an initial review at your earliest convenience and provide us with any necessary feedback. Please contact me if you have questions about the request or attachments.

Thank you for your continued efforts in assisting DHS with these requests. Due to reported email delivery issues, please confirm receipt of this request and attachments.

V/r,

(b) (6)

(b) (6)

Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ

(b) (6)



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**Mahoney, Michael J**

---

**From:** Jacobs, Karen R  
**Sent:** Monday, September 11, 2017 8:07 AM  
**To:** Mahoney, Michael J  
**Subject:** FW: REVISED: DHS Acquisitions Workforce DHA Submission - Request for Preliminary Review  
**Attachments:** DHS Direct Hire Request - Acquisitions Workforce.docx  
**Importance:** High

Mr. Mahoney,

I sent a copy of this to (b) (6) Figured you had assigned her the original request.

---

**From:** (b) (6)  
**Sent:** Friday, September 08, 2017 3:33 PM  
**To:** Holden, Kimberly A.; Jacobs, Karen R  
**Cc:** (b) (6)  
**Subject:** REVISED: DHS Acquisitions Workforce DHA Submission - Request for Preliminary Review

Hello Kim/Karen,

Please see the attached preliminary request (REVISED) for Direct Hire Authority for initial OPM review. This request is based upon a critical need of candidates due to the border security Executive Order and the impending expiration of government-wide DHA for acquisitions positions.

We request that you please perform an initial review at your earliest convenience and provide us with any necessary feedback. Please contact me if you have questions about the request.

Thank you for your continued efforts in assisting DHS with these requests. Due to reported email delivery issues, please confirm receipt of this request and attachments.

V/r,  
(b) (6)

(b) (6)  
Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ

(b) (6)



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*Office of the Chief Human Capital Officer*  
**U.S. Department of Homeland Security**  
Washington, DC 20528



# Homeland Security

(b) (5)



(b) (5)



(b) (5)



(b) (5)



**Mahoney, Michael J**

---

**From:** (b) (6)  
**Sent:** Tuesday, September 19, 2017 3:19 PM  
**To:** Mahoney, Michael J  
**Subject:** FW: REVISED: DHS Acquisitions Workforce DHA Submission - Request for Preliminary Review

Hi Mike,

Have you had an opportunity to take a look at our revised request? Our Components are struggling to get selectees onboard before the current government-wide authority expires on 9/30. Any assistance you can provide would be greatly appreciated.

Thanks,

(b) (6)

**From:** Jacobs, Karen R (b) (6)  
**Sent:** Monday, September 11, 2017 7:58 AM  
**To:** (b) (6)  
**Cc:** Holden, Kimberly A. (b) (6)  
**Subject:** RE: REVISED: DHS Acquisitions Workforce DHA Submission - Request for Preliminary Review

Good Morning, (b) (6)

I received the revised request and will pass it on to Mike Mahoney and staff.

---

Karen Jacobs  
Senior Policy Advisor  
Recruitment and Hiring Policy  
Office of Personnel Management



(b) (6)

---

**From:** (b) (6)  
**Sent:** Friday, September 08, 2017 3:33 PM  
**To:** Holden, Kimberly A.; Jacobs, Karen R  
**Cc:** (b) (6)  
**Subject:** REVISED: DHS Acquisitions Workforce DHA Submission - Request for Preliminary Review

Hello Kim/Karen,

Please see the attached preliminary request (REVISED) for Direct Hire Authority for initial OPM review. This request is based upon a critical need of candidates due to the border security Executive Order and the impending expiration of government-wide DHA for acquisitions positions.



We request that you please perform an initial review at your earliest convenience and provide us with any necessary feedback. Please contact me if you have questions about the request.

Thank you for your continued efforts in assisting DHS with these requests. Due to reported email delivery issues, please confirm receipt of this request and attachments.

V/r,

(b) (6)

(b) (6)

Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ

(b) (6)



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**Mahoney, Michael J**

---

**From:** (b) (6) (b) (6)  
**Sent:** Monday, September 25, 2017 1:38 PM  
**To:** Holden, Kimberly A.; Mahoney, Michael J  
**Cc:** (b) (6)  
**Subject:** URGENT: DHS Acquisition Workforce DHA Submission - Request for Expedited Review  
**Attachments:** DHS Direct Hire Request - Acquisitions Workforce.docx  
**Importance:** High

Hello Kim,

As a follow-up to Gwen's status request last week, the OMB-proposed language that was anticipated would be included in the NDAA does not appear to be in either of the final House or Senate versions. Due to the exclusion, DHS is requesting an expedited review of our direct hire authority request for acquisitions positions.

This is a critical hiring need for DHS, due to the recent Executive Order on Border Security, and the expiration this week of the government-wide DHA. OPM's expedited review of our DHA request would be greatly appreciated.

Thanks for your assistance.

Resending attachment: Due to reported email delivery issues, please confirm receipt of this request and attachments.

--

R,  
(b) (6)  
Manager, Staffing Policy  
Office of the Chief Human Capital Officer/HCPP  
Department of Homeland Security

**From:** (b) (6)  
**Sent:** Friday, September 8, 2017 3:33 PM  
**To:** Holden, Kimberly A. (b) (6) Jacobs, Karen R (b) (6)  
**Cc:** (b) (6)  
**Subject:** REVISED: DHS Acquisition Workforce DHA Submission - Request for Preliminary Review

Hello Kim/Karen,

Please see the attached preliminary request (REVISED) for Direct Hire Authority for initial OPM review. This request is based upon a critical need of candidates due to the border security Executive Order and the impending expiration of government-wide DHA for acquisitions positions.

We request that you please perform an initial review at your earliest convenience and provide us with any necessary feedback. Please contact me if you have questions about the request.

Thank you for your continued efforts in assisting DHS with these requests. Due to reported email delivery issues, please confirm receipt of this request and attachments.

V/r  
(b) (6)

(b) (6)

Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ

(b) (6)



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# DHS SPECIAL SALARY RATES



Homeland  
Security

MAY 05 2017

Brenda L. Roberts  
Deputy Associate Director  
Pay and Leave, Employee Services  
U.S. Office of Personnel Management  
1900 E. Street NW  
Washington, D.C. 20415-1000

Dear Ms. Roberts:

The Department of Homeland Security (DHS) requests approval to extend the current special salary rate (SSR) Table 0706 to GS-1895, Customs and Border Protection Officer (CBPO) positions in (b) (7)(E). The special rate currently applies to Customs and Border Protection (CBP) GS-0401, Agriculture Specialists positions. This rate will ensure parity between equivalent grades of CBPOs and Agriculture Specialists in (b) (7)(E) and will provide DHS with a competitive pay rate, increasing its ability to retain CBPOs in its hard-to fill positions and meet its mission.

CBPOs possess specialized knowledge related to the prevention of terrorists entering the United States at its ports of entry. Employees in these positions have unique skills in the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle contraband into the country.


The enclosed request addresses the need for additional compensation to attract and retain CBPOs in the remote location of (b) (7)(E) as evidenced by CBP's inability to maintain staffing at higher grade levels. The use of non-pay solutions, such as job redesign, alternate work schedules and telework are not available due to the unique nature of the work performed by CBPOs. Without the SSR, it is anticipated that the current difficulty to retain CBPOs in (b) (7)(E) will continue and that approval of this special salary rate will encourage eligible CBPOs at other locations to relocate to (b) (7)(E).

While the original CBP request includes Border Patrol Agent (BPA) positions, CBP elected to withdraw the BPA occupation from the request. The original CBP request and completed OPM Form 1397 are enclosed for your review and approval. Should members of your staff

require assistance concerning this request, they may contact (b) (6)  
(b) (6) by email at (b) (6)

Sincerely,

(b) (6)

 Gwen Yandall  
Executive Director  
Human Capital Policy and Programs  
Department of Homeland Security

Enclosures



**U.S. Customs and  
Border Protection**

**MAY 16 2016**

**MEMORANDUM FOR:** Angela Bailey  
Chief Human Capital Officer  
Department of Homeland Security

**FROM:** Linda L. Jacks (b) (6)  
Assistant Com  
Office of Human Resources Management

**SUBJECT:** Request for Special Salary Rate for Frontline Positions along  
the Northern Border

U.S. Customs and Border Protection (CBP) requests your approval for a special salary rate (SSR) for targeted positions in the (b) (7)(E) geographic location. The request is for an additional 40 percent of the current salary, which includes the base rate plus the respective locality pay. The targeted groups are GS-1895 CBP Officers (CBPO) at the GS-05 through 14 grade levels and GS-1896 Border Patrol Agents (BPA) at grades 12 and 13.

CBPOs and BPAs possess specialized knowledge related to the prevention of terrorists and instruments of terror entering the United States. Employees in these positions have unique skills in the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle people or contraband into the country. CBPOs work at ports of entry, and BPAs are assigned to work between the ports along the U.S. borders.

CBPOs and BPAs are critically important to CBP's mission of safeguarding America's borders, and establishing an SSR for them is essential in addressing CBP's frontline hiring needs along the Northern Border. The attached request addresses the need for additional compensation for employees who work in the remote location of (b) (7)(E) as evidenced by CBP's inability to maintain mandated staffing levels and labor market data that support an SSR. The use of non-pay solutions, such as job redesign, alternate work schedules, and telework arrangements, are not available due to the work's unique nature. Without the SSR, CBP anticipates that the current difficulty to recruit and retain officers and agents in (b) (7)(E) will continue, as most current employees will relocate, and applicants will accept positions in more desirable locations.

The recruitment and retention of CBPOs and BPAs at this location is considered a critically important matter of border security. This was evident when (b) (7)(E)

Request for Special Salary Rate for Frontline Positions along the Northern Border  
Page 2

(b) (7)(E)

Other Federal agencies have approved SSRs for occupations affected by oil production in the (b) (7)(E) CBP's request is in line with the 2015 SSR approved for positions in this area. (b) (7)(E) (b) (7)(E) and the expected life span of oil production in the (b) (7)(E) (b) (7)(E) This is according to the (b) (7)(E) which comprises Federal agencies and was created to exchange information, identify common issues, and seek solutions to ongoing and emerging challenges associated with the (b) (7)(E) energy boom.

CBPOs and BPAs are unique to CBP, so the proposed SSR will cause no adverse effects, such as pay inequity and staffing problems, to occur for other agencies or components.

My staff will be available to work with your office on any administrative details necessary. Please feel free to contact me if you have any questions. If members of your staff have any questions, they may contact (b) (6) Office of Human Resources Management at (b) (6) or via e-mail at (b) (6)

Attachment

(b) (7)(E) Bureau of Land Management, Bureau of Indian Affairs, Bureau of Reclamation, Environmental Protection Agency, Forest Service, National Park Service, USDA Farm Services Agency (b) (7) (b) (7) USDA Natural Resources Conservation Service (b) (7)(E) Office of Indian Energy and Economic Development, Office of Special Trustee for American Indians, Office of Natural Resources Revenue, US Army Corps of Engineers, US Geological Survey.



**DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
SPECIAL SALARY RATE REQUEST  
GS-1895 Customs and Border Protection Officer  
Grades 5, 7, 9, 11, 12, 13, and 14**

**Background**

This request is to establish coverage of a special salary rate (SSR) under the authority of 5 U.S.C. 5305 and 5 C.F.R. § 530, subpart C, for Customs and Border Protection Officer positions in the (b) (7)(E) duty location within U.S. Customs and Border Protection (CBP), a component of the Department of Homeland Security (DHS).

**Section I. Type of SSR Request and Agency Contact Information**

**1. Type:** New -- Initiating to establish an SSR

**2. Agency Contact Information** (b) (6) DHS

Compensation and Benefits, Human Capital Policy and Programs  
Office of the Chief Human Capital Officer

(b) (6)

**Section II. Coverage**

**1. Occupation, series, job title for the occupation covered by this request:**

**Occupations:** Inspection, Investigation, Enforcement, and Compliance

**Series and Job Title:** GS-1895 CBP Officer

**Attachment 1 - Position Descriptions**

**2. Name and code of each agency and sub-element with positions covered by this request.**

**Agency/sub element code:** HS CU

**Agency/sub element name:** Department of Homeland Security, U.S. Customs and Border Protection

**2a. Duty Station Code(s), State, City, County, Locality Pay Area, etc., as applicable:**

Duty Location	Duty Location Code	Locality Pay Area
(b) (7)(E)		Rest of the U.S.
		Rest of the U.S.
		Rest of the U.S.

**Section III. Staffing Status**

1. Staffing data that represents a snapshot of the staffing situation in (b) (7)(E) on two specific dates.

Beginning Snapshot: January 9, 2016					Ending Snapshot: January 7, 2017					
GS-1895 Customs and Border Protection Officer										
GS Grade	On board	+	Vacant positions	=	Total positions	On board	+	Vacant positions	=	Total positions
05	(b) (7)(E)									
07										
09										
11										
12										
13										
14										

Note: The Full Performance Level (FPL) of the Journey-Level CBP Officer is GS-12. Therefore, the staffing level for the (b) (7)(E) CBP Officers broken-out by the following grades and numbers of authorized positions:

- (b) (7)(E)
- .
- .
- .

**Section IV. Recruitment and Turnover**

1. Staffing data represents recruiting and turnover that occurred during the entire reporting period in the above snapshot.

Recruitment during snapshot period				Turnover during snapshot period		
GS-1895 Customs and Border Protection Officer						
GS-Grade	Positions Attempted to Fill	Offers Made	Number Hired	Transfers	Quits	Quits for Pay
05	0	5	3	0	0	0
07	0	4	4	0	0	0
09	0	0	0	0	0	0
11	0	0	0	0	0	0
12 (FPL)	10	0	0	0	1	0
13	0	0	0	0	0	0
14	0	0	0	0	0	0

Note: Job offers for CBP Officers are made at the GS-05, 07 or 09 level with an FPL 12. Offers are made depending on the applicant's qualifications. Offers are not made at the GS-12 level. Therefore, even though CBP was pursuing ten (10) FPL GS-12 positions, the actual offers will be at either the GS-05, 07 or 09 level. In the time period above, five (5) offers were made at the GS-05 level with three (3) accepting and entering on duty and two (2) applicants declining the location after clearing all the pre-employment steps, and four (4) offers were made at the GS-07 level with all four (4) accepting and entering on duty.

#### Section V. Proposed Special Rate Schedule

(b) (7)(E)

(b) (7)(E)

Attachment 2 – SSR Percent Basis Chart

**Section VI. Agency Costs - estimated annual cost of the requested SSR authorization**

Attachment 3 - Cost Estimates

**Section VII. Narrative Justification**

- a. Explain the cause of the significant recruitment/retention problem.

(b) (7)(E)

(b) (7)(E)




(b) (7)(E)




**b. Explain whether SSRs are needed to address (1) an existing recruitment or retention problem or (2) a recruitment or retention problem that is likely to exist in the future if special rates are not approved.**

(b) (7)(E)



(b) (7)(E)



**c. Explain how the nature of the existing labor market is affecting your agency's ability to recruit or retain employees covered by the request.**

(b) (7)(E)



(b) (7)(E)

CBP Officer: Declination Reasons (throughout the pre-employment processes) for (b) (7)(E)					
Fiscal Year	Declined Grade for Higher Salary	Declined Location	Declined Position for Another Offer	Declined for Other Reasons	Grand Total
2013	0	4	67	11	82
2014	3	15	75	13	106
2015	1	20	67	21	109
2016	0	3	34	0	37
2017	1	3	4	0	8
Grand Total	5	45	247	45	342

Declination Notes:

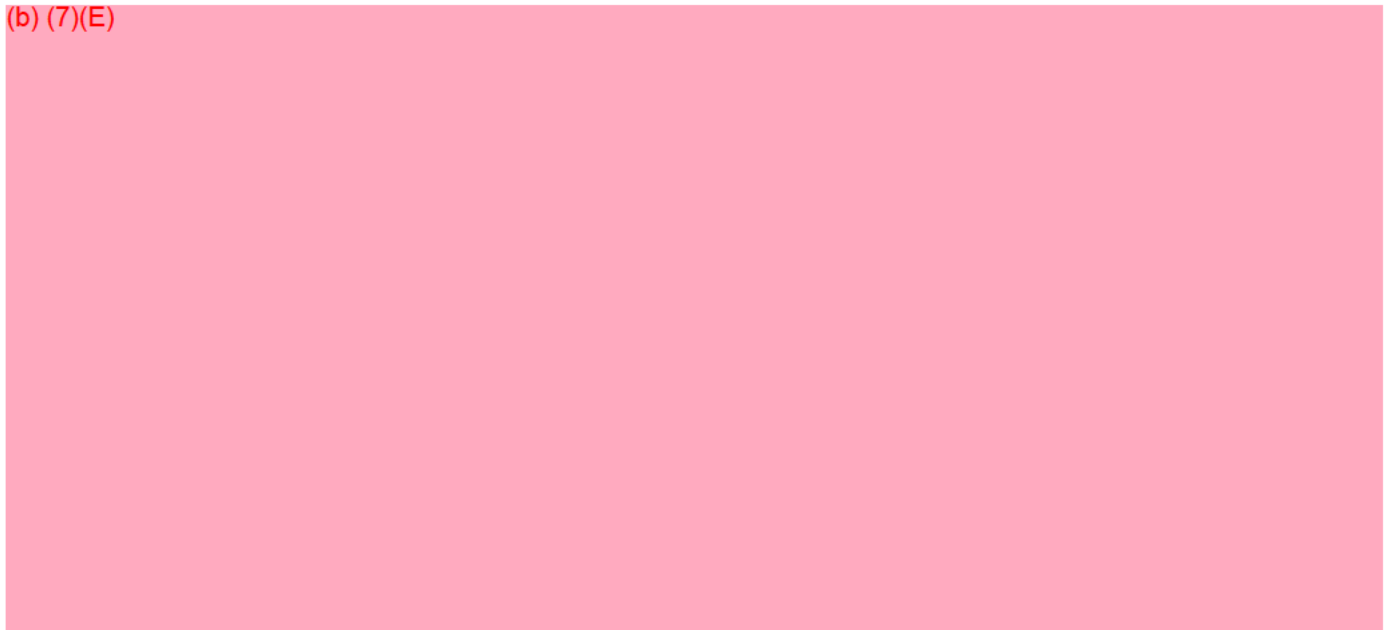
- Job opportunities for FY 2013, FY 2014, FY 2015 quarter (Q) 1, and FY 2015Q2 were announced through regions. All applicants who selected the "Northwest" location will be considered in the count. Beginning with FY 2015Q3, specific announcements were issued for (b) (7)(E)
- FY 2017 counts go through February 13, 2017.
- Declinations are counted throughout all pre-employment processes.
- Applicants are removed from pre-employment processes for failing to successfully complete the structured interview, and/or the medical, fitness, polygraph, and/or background investigation, as well as for declining.

Without additional incentives, CBP is expected to continue to experience a high declination rate for positions in this location.



**d. Explain the degree to which your agency has considered and used other pay flexibilities to alleviate the staffing problems, including recruitment and relocation bonuses, retention allowances, superior qualifications appointment authority, student loan repayments, and performance awards.**

(b) (7)(E)



**e. Explain the degree to which your agency has considered and used other non-pay solutions to the staffing problems, such as conducting aggressive recruiting programs, using appropriate appointing authorities, redesigning jobs, establishing or enhancing training programs, authorizing flexible work schedules and/or telework arrangements, and improving working conditions.**

(b) (7)(E)


f. Explain how the staffing problem is affecting accomplishment of your agency's mission.

(b) (7)(E)

DATE	ITEM	VALUE
1/12/2016	Counterfeit Apple, Bluetooth Phone Accessory, and Balance Scooter	\$387,808.00
2/10/2016	Hoverboards counterfeit I.G, Bluetooth, Mercedes	\$586,774.00

2/16/2016	Hoverboards counterfeit LG, Bluetooth, Mercedes	\$309,990.00
3/1/2016	Counterfeit Apple Accessories	\$769,440.00
5/5/2016	Counterfeit Apple Chargers	\$533,400.00
9/15/2016	Helmets	\$306,810.00
12/28/2016	Electronic Display	\$111,328.00

(b) (7)(E)



(b) (7)(E)

2015 Federal Employee Viewpoint Survey					
Question #21. My work unit is able to recruit people with the right skills.					
Organization	Number of Responses	Percentage			Do Not Know
		Positive	Neutral	Negative	
Department of Homeland Security	41,687	30.0	27.2	42.8	1,321
U.S. Customs and Border Protection	11,893	26.6	25.4	48.0	418
Office of Field Operations	5,837	24.5	25.4	50.1	200
(b) (7)(E)	424	19.3	26.4	54.3	12
	25	9.7	29.2	61.0	0

g. Explain and provide estimates of the costs attributable to the staffing situation which would be the offset if this SSR is approved, such as overtime, contracting, training, recruiting, or other costs.

(b) (7)(E)



**FY 2017 CBP Officer Staffing Levels with FY 2016 & FY 2015 Losses**

Organizational Location	FY 2017 CBPO Authorized Staffing Level	FY 2017 CBPO Onboard 1/7/2017	FY 2017 CBPO Delta to Authorized	% of CBPO Positions Filled based on FY 2017 Authorized Staffing Level	% of CBPO Positions Vacant based on FY 2017 Authorized Staffing Level	Total Losses FY 2016	FY 2016 Annualized Loss Rate	Total Losses FY 2015	FY 2015 Annualized Loss Rate
(b) (7)(E)	57	44	-13	77.2%	-22.8%	4	9.3%	5	11.2%
	1506	1376	-130	91.4%	-8.6%	113	8.1%	97	7.0%
Office of Field Operations	23975	22634	-1341	94.4%	-5.6%	777	3.4%	671	3.0%

**CBP Officer Historical Staffing Data  
FY 2013 through FY 2017**

Organizational Location	FY 2013 CBPO Onboard 1/12/2013	FY 2014 CBPO Onboard 1/11/2014	FY 2015 CBPO Onboard 1/10/2015	FY 2016 CBPO Onboard 1/9/2016	FY 2017 CBPO Onboard 1/7/2017	% Change from FY 2013 to FY 2017	# Change from FY 2013 to FY 2017
(b) (7)(E)	54	56	46	40	44	-18.5%	-10
	1409	1359	1502	1390	1376	1.3%	17
Office of Field Operations	21481	21699	22158	22682	22634	4.3%	935

(b) (7)(E)

## Estimated Annual Salary Costs with Special Salary Rate

Grade & Step	Current Salary (RUS locality rate)	SSR Salary Table 0706	Salary Difference Between Current & SSR Salary	Current Number On-Board & Vacant Positions	Annual Cost of SSR by Grade & Number of Employees
GS-14-08	\$125,073	\$152,183	\$27,110	1	\$27,110
GS-13-06	\$100,118	\$121,820	\$21,702	1	\$21,702
GS-13-05	\$97,258	\$118,339	\$21,081	5	\$105,405
GS-13-03	\$91,537	\$111,378	\$19,841	1	\$19,841
GS-12-08	\$89,009	\$108,303	\$19,294	1	\$19,294
GS-12-06	\$84,197	\$102,448	\$18,251	2	\$36,502
GS-12-05	\$81,792	\$99,520	\$17,728	17	\$301,376
GS-12-04	\$79,386	\$96,593	\$17,207	6	\$103,242
GS-12-01	\$72,168	\$87,811	\$15,643	1	\$15,643
On-board GS-5, 7, & 9 once promoted to FPL, GS-12, Step 1	\$72,168	\$87,811	\$15,643	9	\$140,787
Vacant CBPO GS-12, Step 1 FLP	\$72,168	\$87,811	\$15,643	10	\$156,430
Vacant CBPO GS-13, Step 1	\$85,816	\$104,418	\$18,602	3	\$55,806
<b>Total Estimated Annual Costs</b>	<b>\$1,050,690</b>	<b>\$1,278,435</b>	<b>\$227,745</b>	<b>57</b>	<b>\$1,003,138</b>

## Note:

The CBP Officer position is an FPL GS-12. Entry Level CBPOs are hired at the GS-5, 7 or 9 levels. Therefore, depending on the entry level grade, it could be 5 years before the costs of the SSR takes effect.

National Reassignment Opportunity Bulletin Data 2013 through 2016 by Duty City

(b) (7)(E)	Fiscal Year	# of Employees that Applied to Reassignment Bulletin to Leave Duty City	% of On-Board Employees that Applied to Reassignment Bulletin to Leave Duty City	# of Employees that Applied to Reassignment Bulletin to Move to Duty City
(b) (7)(E)	2016	12	27.27%	0
	2015	12	30.00%	0
	2014	14	25.00%	0
	2013	18	33.33%	0
(b) (7)(E)	2016	0	0.00%	7
	2015	0	0.00%	6
	2014	0	0.00%	0
	2013	0	0.00%	5
(b) (7)(E)	2016	0	0.00%	1
	2015	0	0.00%	2
	2014	0	0.00%	0
	2013	0	0.00%	1

(b) (7)(E)



Recruitment Incentives for CBPO Entry Level Job Offers for t

(b) (7)(E)

Location	Number of Recruitment Incentives Offered After Applicant Clears Pre-Employment And Accepts Job Offer	Failed 2nd Fitness Test/ Declined Location/ Declined Incentive/ Resignation within 1st PP	Percentage of Applicants who Did Not EOD	EODs	Pending EODs
(b) (7)(E)	13	2	15.38%	11	0
Nationwide (For Select HTF Locations)	223	37	16.59%	167	19

Notes:

- 1) Data as of Feb 2, 2017.
- 2) Use of recruitment incentives started in July 2015 for select Hard-to-Fill (HTF) locations.
- 3) Average (b) (7)(E) incentive is \$9,349
- 4) Of 11 recruitment incentives and EODs, 10 have been CBPOs and 1 has been a CBPAS

POSITION DESCRIPTION (Please Read Instructions on the Back)						1. Agency Position No. 82188a	
2. Reason for Submission <input type="checkbox"/> Redescription <input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Major <input type="checkbox"/> Minor <input type="checkbox"/> Other		3. Service <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Part <input type="checkbox"/> Temporary		4. Employing Office Location Washington, DC		5. Duty Station Various Locations	
6. CPM Certification No.		7. Federal Labor Standards Act <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> Nonexempt		8. Financial Statements Required <input type="checkbox"/> Executive Personnel (Principal Position) <input checked="" type="checkbox"/> Employment and Financial Interest		9. Subject to IA Action <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10. Position Status <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks) <input type="checkbox"/> SES (Gen.) <input type="checkbox"/> SES (CR)		11. Position Is <input type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input checked="" type="checkbox"/> Neither		12. Sensitivity <input type="checkbox"/> 1-New Sensitive <input checked="" type="checkbox"/> 1-Current <input type="checkbox"/> 2-Intermediate Sensitive <input type="checkbox"/> 4-Special Sensitive		13. Competitive Level Code 0162	
14. Agency Use 3558		15. Classified/Graded by		Official Title of Position		Pay Plan	
a. Office of Personnel Management		b. Department, Agency or Establishment Customs and Border Protection Officer		c. Second Level Review		Occupational Code	
d. Final Level Review		e. Recommended by Supervisor or Initiating Office		Grade		Initials	
16. Organizational Title of Position (if different from official title)		17. Name of Employee (if vacant, specify)		Date		Date	
18. Department, Agency, or Establishment Department of Homeland Security				a. Third Subdivision			
b. First Subdivision U.S. Customs and Border Protection				d. Fourth Subdivision			
c. Second Subdivision Office of Field Operations				e. Fifth Subdivision			
19. Employee Review: This is an accurate description of the major duties and responsibilities of my position.				Signature of Employee (optional)			
20. Supervisory Certification: I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationship, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.				b. Typed Name and Title of Higher-Level Supervisor or Manager (optional) John P. Wagner Acting Assistant Commissioner, Office of Field Operations			
a. Typed Name and Title of Immediate Supervisor				Signature			
Signature				Date			
21. Classification/Job Grading Certification: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.				Classifying/Grading Position Admin work in the inspection, investigation, Enforcement and Compliance Group, 1800 issued: March 2009 Revised: Apr 2011			
Typed Name and Title of Official Taking Action Denise Copeland Director, Position Management and Classification				Information for Employees: The standards and information on their position are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/grading appeals and complaints on exemption from FLBA, is available from the personnel office or the U.S. Office of Personnel Management.			
(b) (6)				Date 5/1/2014			
a. Employee (optional)		b. Supervisor		c. Classifier		d. Date	
Signature		Signature		Signature		Date	
Signature		Signature		Signature		Date	
Signature		Signature		Signature		Date	
22. Remarks							
23. Description of Major Duties and Responsibilities (See Attached)							

**Customs and Border Protection Officer**  
**GS-1895-12**  
**PD# S2186a**

**Introduction:**

This position is located in the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), Office of Field Operations (OFO), at various Ports of Entry (POE) to include land border, airport, seaport, and Preclearance locations. The primary mission of OFO is to detect and prevent terrorists and instruments of terror from entering/exiting the United States; to enforce the laws that protect America's homeland through the detection, interdiction and apprehension of those who attempt to illegally enter or smuggle any person or contraband at the POEs, or are found unlawfully present within their respective jurisdiction; and to facilitate the orderly and efficient flow of legitimate trade and lawful travelers. This position supports this mission as a full performance level Customs and Border Protection Officer (CBPO), who performs inspections, intelligence analysis, examinations, and law enforcement activities including apprehension, detention and arrest relating to arrival and departure of persons, conveyances and merchandise at the POEs.

The enforcement and inspection continuum is a process that typically includes preprimary/risk assessment, primary inspection, secondary inspection (including disposition for enforcement and compliance), outbound, registration, exit controls, and post disposition. Significant decisions are made at every step of the continuum. The officer must be skilled in interview techniques, observation techniques relative to non-verbal communication and use of intelligence information in order to make informed decisions. Guidelines have gaps in specificity that require considerable interpretation for application to immediate issues and problems.

The Officer applies behavioral and cultural analysis and decision-making skills in order to perform the risk assessment required to release travelers and shipments and to identify those requiring further scrutiny, especially those involving terrorist individuals and instruments of terror. As required, the Officer pursues, apprehends and subdues individuals with the appropriate use of force. The Officer completes the initial interactions and a more specific application in increasingly complex determinations as inspections progress. The officer anticipates future trends and requirements involving obscure problems with complicating factors and conflicting data.

**Major Duties and Responsibilities:**

1. Conducts a wide variety of duties to protect the U.S. homeland, enforce federal laws, and efficiently facilitate legitimate trade and travel.

a) **Preprimary/Risk Assessment:** Preprimary/risk assessment occurs prior to the arrival of persons, conveyances, or merchandise, as information about Impending arrivals is received via automated manifests, entries, or passenger/crew information systems and is analyzed via various databases and other information sources.

Gathers and analyzes information from all available sources such as intelligence reports, and various databases. Identifies known or potential terrorists and instruments of terror, criminals, smuggling patterns, trends, and methods, and other threats to U.S. borders and national security. Assesses threats and creates individual lookouts and develops and disseminates tactical information and intelligence.

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Reviews and analyzes carriers', importers', and exporters' manifests, permits, certificates, entries, invoices, and associated documents to determine the admissibility of merchandise or cargo, and levels of risk for possible violations of laws and threats to national security, economic and agricultural interests. Identifies and targets high-risk shipments and conveyances for examination.

Develops, plans and participates in tactical operations, such as pre-primary blitzes, intensive boarding, and roving. These operations employ the extensive use of observational and interview techniques and non-intrusive inspection technology such as busters, radiation isotope identification devices and range finders.

Screens enrollees of trusted traveler programs that are designed to facilitate low risk arrivals. Interacts with carriers, other agencies and foreign entities to exchange information and provide guidance on admissibility/compliance.

Participates in and supports programs designed to secure supply chains and push the border outward.

20%

b) Primary Inspection: Primary inspection is the questioning and visual examination of travelers to determine alienage, citizenship, admissibility, and the need for further inspection as well as the physical and visual examination of cargo and conveyances to determine admissibility or the need for further inspection.

Rapidly analyzes information and applies observational skills, interview skills, knowledge and technology in order to:

- Determine admissibility
- Detect fraudulent claims to citizenship
- Detect imposters
- Detect fraudulent documents
- Assess the terrorism threat of persons, goods and conveyances
- Assess the Public Health threat of persons, goods and conveyances
- Detect the presence and level of radiation
- Assess suspected criminality
- Assess persons and goods for potential health threats
- Assess the potential threat for smuggling of humans, narcotics, Commercial or agricultural contraband.

Utilizes observational techniques and monitors behavior to assess risk for possible involvement in terrorism, criminal, or violation of status activities. Conducts a wide range of record checks using a variety of databases and systems and uses tactical intelligence to identify high-risk travelers.

Determines whether traveler (citizen or alien), cargo, or conveyance may be immediately admitted or referred to secondary Inspection for further processing. Controls conveyances, goods and applicants for admission/departure until CBP processing is complete.

Rapidly reacts to potential threats. This includes the controlled use of force as per agency guidelines where necessary and may include the use of deadly force.

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Analyzes a wide variety of commercial documents such as invoices, bills of lading and packing slips in order to identify anomalies attendant to the importation and exportation of commercial merchandise. Utilizes targeting systems to ascertain inspection requirements. Enforces quarantines and coordinates with affected parties of Interest to ensure the safe and timely adjudication of merchandise and/or packing materials in violation of entry requirements.

Employs non-intrusive inspection technology devices such as radiation portal monitors, portable radiation devices, radio frequency Identification devices, and radiation isotope identification devices when conducting primary Inspections. Troubleshoots technical problems with non-intrusive technology; determines the accuracy of readings and signals which result from the equipment and conducts required safety checks as mandated by established protocols.

25%

c) Secondary Inspection: Secondary inspection is the further intensified inspection of people, cargo, or conveyances not released or admitted upon primary inspection. Through interviews, document reviews, additional database queries, communication with other law enforcement agencies, observational techniques, heightened physical inspections, and the use of technology, the Officer performing the secondary inspection continues to collect information, facts, and evidence necessary to properly assess risk and make decisions concerning violations of regulations and statutes related to admissibility; suspected fraudulent claims to citizenship; Imposter determination; suspected fraudulent documents; terrorism threat of persons, goods and conveyances; presence and level of type of radiation; suspected criminality; potential health threats; and suspected smuggling of humans, narcotics, commercial or agricultural contraband.

Conducts visual and physical inspection of cargo, baggage, conveyances, packing materials and people using a wide array of non-intrusive technology such as density meters, laser range finders, stationary and portable X-ray machines, body scanners, radiation detection devices, vapor tracers, radiation isotope identification devices, and biometric collection units. Based on assessed risks, further and progressively more complex and extensive physical examinations, interviews and database queries may be required to Identify and interdict highly sophisticated smuggling schemes and activities and instruments of terror.

Conducts re-boarding inspections on conveyances as necessary for the purpose of ensuring compliance with prescribed laws or regulations. Rapidly reacts to potential threats. This includes the controlled use of force as per agency guidelines where necessary and may include the use of deadly force.

Collaborates with internal components and cooperating government agencies to verify threats (National Targeting Center, Joint Terrorism Task Force, Immigration and Customs Enforcement, Food and Drug, Centers for Disease Control, Laboratory and Scientific Services, etc.). Processes required documentation for other federal agencies.

Secures and detains suspected persons and conveyances needing further exam, being exported, arrested, and seized or requiring action either by State or local authorities or at offsite facilities (Federal Detention Facility, Container Examination Station, Expedited Removal, etc.). Transports arrestees/detainees to offsite facilities.

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Prepares rapid, detailed and accurate reports regarding inspections, gathered intelligence and incidents for supervisory approval. Prepares accurate seizure and arrest reports and follows seized property and legal guidelines as required. Provides court testimony to support prosecution of smugglers or narcotics and other contraband.

Prepares complex legal documents that meet statutory and legal sufficiency requirements for the removal of inadmissible aliens from the U.S. Places individuals under oath and takes sworn statements. Prepares and issues charging documents and serves Notices to Appear before an immigration judge. Provides court testimony for the removal and/or prosecution of inadmissible and criminal aliens.

Compiles data, maintains logs, and prepares monthly/daily work accomplishment reports on Inspection operations.

20%

d) Outbound, Registration, and Exit Control: The purpose of the outbound, registration, and exit control functions is to selectively identify, target, control and examine passengers, conveyances, and cargo leaving the United States or within the United States but under the jurisdictional oversight of CBP. This function is designed to detect terrorists and instruments of terror, to prevent departure of those aliens ordered to remain within the United States, to collect departure data on aliens leaving the United States, and to ensure compliance with agricultural and export requirements.

Identifies, targets, controls and examines passengers and cargo leaving the United States in order to ensure that the mission objectives of interdicting terrorists and instruments of terror, and compliance with export requirements are met.

Examines identity documents presented upon departure for validity and authenticity. Ensures compliance with required exit control programs to prevent departure of certain aliens, unreported currency and monetary instruments, individuals wanted by Federal, state and local authorities and referrals to the Joint Terrorism Task Force.

Reviews commercial documents, inspects conveyances and examines cargo destined for export from the United States. Ensures that rejected merchandise, such as tainted meat and commodities infested with pests, exits the United States under proper supervision. Targets merchandise departing the United States for licensing requirements, especially items that have military application and/or can be used as instruments of terror. Ensures that merchandise transiting the United States on transportation and exportation entries or other in-transit programs is exported in accordance with established requirements.

20%

e) Specialized Assignments/Duties: As required, may be assigned as a member of teams, targeting and analysis units, ATCET/enforcement teams, or performing port or facilities security tasks, firearms qualification duties, non-intrusive inspection, training, scheduling, etc.

10%

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2. Serves as coach and mentor of lower level CBP Officers on a regular and recurring basis. Articulates and communicates the assignments, projects, and problems to be solved, actionable events, and milestones. Coaches and trains lower level CBPOs in the selection and application of appropriate problem solving methods and techniques provides advice on work methods, practices, and procedures. Is responsible for monitoring and reporting on the status and progress of work, checking on work in progress and reviewing completed work to ensure the supervisor's instructions on work priorities, methods, deadlines, and quality have been met.

5%

Performs other duties as assigned.

**FACTOR LEVEL DESCRIPTIONS:**

Factor 1, Knowledge Required by the Position

Level 1-7, 1250 points

The level of knowledge, skills and abilities needed and how they are used to satisfactory perform the work is as follows:

Comprehensive knowledge of U.S. Customs and Border Protection laws, regulations, and precedents, as well as CBP Officer processes, techniques, activities and law enforcement procedures to enforce and administer laws related to the arrival and departure of persons, conveyances, and merchandise.

Expert knowledge of proper law enforcement methods, including interviewing, searching, seizing, arresting and self-defense for use in the apprehension of terrorists, illegal aliens, or others suspected of illegal activity. Knowledge of the elements needed to establish reasonable suspicion and probable cause.

Comprehensive knowledge of the mission, operational programs, policies and procedures of criminal analysis in order to plan, conduct, coordinate, identify information, conduct analyses, provide sound and accurate Interpretations of findings, and exchange highly sensitive and critical information.

Ability to prepare written findings and recommendations in an effective and convincing manner which includes the ability to produce incident reports, analytical findings and apply special tools such as computerized graphics and spreadsheets in the development of reports.

Knowledge of intelligence techniques and methods and a broad understanding of different people and areas to conduct thorough questioning of individuals, and apply intelligence information to make informed decisions and estimate and forecast future situations.

A broad knowledge and understanding of the political, geographic, social, cultural or economic affairs, which affect national security issues of people and areas under study to effectively provide analytical support to a wide range of enforcement operations and programs.

Knowledge of the workings of the intelligence community and a working knowledge of the subject matter field to foster harmonious working relationships with the Intelligence and law enforcement communities.

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Ability to interview unresponsive or uncooperative individuals to determine facts concerning criminal activity, terrorism, smuggling, or fraud.

Ability to effectively participate in collection and research projects and an ability to apply facts and estimates derived from numerous sources to a variety of problems having different technical aspects.

Ability to apply statistical processes to develop sophisticated analyses.

Ability to communicate effectively, both orally and in writing and an ability to apply facts and data to agency requirements; and ability to extrapolate and estimate from existing intelligence data and sources such as Lexis Nexis, Autotrack, TECS II, CIS, ENFORCE, etc.

**Factor 2, Supervisory Controls**

**Level 2-4, 450 points**

The incumbent works under the direction or supervision of a manager who designates the individual's work, sets the overall objectives and resources available. The incumbent and supervisor, in consultation, develop deadlines, projects, and work to be performed.

The incumbent is responsible for independently planning and carrying out the assignment, making on-the-spot decisions, resolving most of the conflicts that arise, and interpreting policy. The incumbent also determines the approach to be taken and the methodology to be used.

Completed work is reviewed from overall standpoint in terms of meeting expected results and requirements, effectiveness, methodology and approach.

**Factor 3, Guidelines**

**Level 3-4, 450 Points**

Guidelines consist of DHS directives, CBP and OFO regulations, laws, policy and other related guidelines. The incumbent must use considerable judgment, ingenuity, and resourcefulness in interpreting the intent, and/or using discretion in deviating from traditional methods. The employee uses guidelines that are very general regarding agency policy statements and objectives employing initiative and resourcefulness in deviating from established methods.

**Factor 4, Complexity**

**Level 4-4, 225 Points**

The work consist of exceedingly complex and full range of inspections/intelligence analysis/ examination/ and law enforcement activities relating to the arrival and departure of persons/ conveyances/ and merchandise at the Ports of Entry. In close proximity to criminal suspects/ the work involves identifying terrorists and instruments of terror/ harmful pests and diseases/ smugglers of illegal drugs/ contraband/ and illegal aliens attempting to enter the United States. The work also involves the identification and prevention of illegal imports and exports attempting to enter/exit the U.S. The work involves assessing incomplete or conflicting information and making immediate decisions that have potential international consequences or involve illegal/illicit activities such as terrorism or the smuggling of illegal aliens/ drugs/ and weapons. In addition/the work involves serving as coach and mentor to lower level Customs and Border Protection Officers.



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**Factor 5, Scope and Effect**

**Level 5-4, 225 Points**

**Scope of the Work-** Work involves using technical/ operational and law enforcement expertise to enforce applicable Federal laws and related statutes for expediting the legal entry of persons into the United States and intercepting those attempting to enter illegally.

**Effect of the Work-** Work directly affects national security/ CBP's mission of securing our Nation's borders/ national dissemination of intelligence information/ and special operations to promote compliance with Federal immigration and customs laws. Work prevents terrorists and unauthorized persons from entering/exiting the United States; disrupts large-scale organized operations and smuggling activities; and facilitates legitimate travel as well as productivity in businesses requiring cross-border transactions.

**Factors 6 & 7, Personal and Purpose of Contacts**

**Level 3C, 180 Points**

Personal contacts include the general public/ legal and illegal aliens/ criminals/ as well as officials at all levels within DHS members of the intelligence and law enforcement communities/ officials and staffs of private organizations/ foreign/ state and local enforcement and intelligence agencies and operating agents and law enforcement officers.

The purpose of contacts is to detain/ control/ or interview apparent or suspected violators of laws and arrest those in violation. Persons are often uncooperative/ fearful/ evasive/ hostile/ combative/ or dangerous. Contacts with other government officials are to establish working relationships with users and to exchange information concerning basic and vital intelligence information of concern to other agencies/ organizations and within the unit.

**Factor 8, Physical Demands**

**Level 8-3, 50 Points**

The position is arduous and hazardous requiring considerable and strenuous physical exertion, such as long periods of standing, walking, running, bending, stooping, crouching, lifting, carrying, reaching overhead, pushing, pulling, crawling, and climbing. The ability to lift and carry without assistance can include objects weighing up to 59 lbs. The incumbent may be required to safely operate a vehicle on roadways, highways, airport grounds, or container terminals. Employees must be able to escalate quickly from performing sedentary work to moving quickly and to be able to evade oncoming vehicles or equipment. The incumbent must be prepared to protect themselves or others from physical attacks at any time and without warning, to use batons, OC spray, and firearms in accordance with the CBP Use of Force Policy. The position requires personnel to be able to deal calmly and effectively with high stress, dangerous, or emergency situations. The incumbent must maintain a high standard of physical condition, enabling him/her to work long hours under adverse conditions. Employees must be prepared to immediately respond to situations requiring the pursuit and apprehension of individuals who may be uncooperative, hostile, combative, or dangerous.

**Factor 9, Work Environment**

**Level 9-3 Points**

The work is conducted under various environmental conditions, such as, temperatures above 90 degrees and below 32 degrees; exposure to sun, rain, and snow; potential exposure to significant allergens, hazardous materials or gases; and different lighting conditions to include daylight to

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night time. The work setting can be in open, remote, and confined or restricted areas with unstable or uneven surfaces, around stopped and moving vehicles or equipment, and can include exposure to loud noises from jet engines, vessels, machinery, and traffic. The position involves exposure to potentially dangerous and stressful situations such as high-speed vehicle pursuits and involvement in physical altercations involving the potential use of deadly force. Under certain circumstances, the employee will need to take appropriate safety precautions and wear personal protective equipment such as, hard hats, gloves, ear plugs and muffs, and NIOSH-approved respirators (N95 or higher), consistent with OSHA regulations and established Agency policies and procedures. The work environment can include the potential exposure to communicable disease or infection transmitted by travelers and/or agricultural items.

**Other Significant Factors**

This position is covered by the Enhanced Customs and Border Protection Officer (CBPO) Retirement provisions under Public Law 110-161, Division E, and Section 535 as a "primary" covered position.

**Special Requirements**

The incumbent is required to carry a firearm, must qualify with and maintain proficiency in the use of the firearm as well as non-deadly, intermediate use of force devices, to protect and defend his or her own life or that of others.

This position has physical and medical requirements.

This position has physical fitness requirements.

This position is subject to drug screening.

The incumbent must possess a valid state driver's license.

Foreign language proficiency may be required in some locations.

Must work on a shift and rotational basis and perform substantial amounts of overtime.

Mission needs may require rotation of assignments and duty locations.

The incumbent must maintain the ability to access all data systems necessary for duty execution.

May undergo security clearance investigations and may be granted a Secret level or higher.

This position may also require extensive travel for extended timeframes.

Total Points: 2880

Point Range: 2755 - 3150

Grade Conversion: GS-12

Bargaining Unit: 3556

FLSA Status: This position is nonexempt

**CAREER PROGRESSION:**

This position has promotion potential to the GS-12 level. The incumbent may be promoted to the GS-12 grade level non-competitively provided the work exists, the incumbent is performing at an acceptance level of competence, and time-in-grade and other administrative requirements are met.

Customs and Border Protection Officer, GS-1895-05, PD# S2180a

Customs and Border Protection Officer, GS-1895-07, PD# S2178a

**Customs and Border Protection Officer**  
**GS-1895-12**  
**PD# S2186a**

**Customs and Border Protection Officer, GS-1895-09, PD# S2183a**  
**Customs and Border Protection Officer, GS-1895-11, PD# S2184a**  
**Customs and Border Protection Officer, GS-1895-12, PD# S2186a**



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

Employee Services

JUN 07 2017

Ms. Gwen Yandall  
Executive Director  
Human Capital Policy and Programs  
Office of the Chief Human Capital Officer  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Ms. Yandall:

Thank you for your request to establish a new Special Rate Table 0752 to cover GS-1895

Customs and Border Protection positions in (b) (7)(E), (b) (6) Your request has been approved.

Enclosed is the salary table for this authorization. Coverage becomes effective on the first day of the first pay period beginning on or after June 25, 2017. You may use this letter as authority to make the necessary pay adjustments.

Sincerely,  
(b) (6)

Brenda L. Roberts  
for Deputy Associate Director  
Pay and Leave

Enclosure

**SPECIAL RATE TABLE**  
**Number 0752**

Grade	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	SUPPLEMENT
05	39963	41296	42629	43961	45294	46627	47960	49293	50625	51958	40%
06	44547	46032	47517	49003	50488	51974	53459	54944	56430	57915	40%
07	49503	51153	52804	54454	56105	57756	59406	61057	62707	64358	40%
08	54823	56650	58477	60304	62131	63958	65785	67612	69439	71266	40%
09	60551	62570	64589	66608	68627	70645	72664	74683	76702	78721	40%
10	66682	68905	71128	73352	75575	77798	80021	82244	84468	86691	40%
11	73261	75702	78144	80585	83027	85469	87910	90352	92793	95235	40%
12	87811	90738	93666	96593	99520	102448	105375	108303	111230	114157	40%
13	104418	107898	111378	114859	118339	121820	125300	128780	132261	135741	40%
14	123390	127504	131617	135730	139843	143956	148070	152183	156296	160409	40%
15	145141	149979	154818	159656	161900	161900	161900	161900	161900	161900	40%

EFFECTIVE DATE: FIRST DAY OF THE FIRST APPLICABLE PAY PERIOD BEGINNING ON OR AFTER 06/25/2017.

SERIES	OCCUPATION NAME
1895	CUSTOMS AND BORDER PROTECTION

STATE CODE	COUNTY CODE	CITY CODE	LOCATION
(b) (7)(E)	(b) (7)(E), (b) (6)		

AGENCY/SUBELEMENT
HS-DEPARTMENT OF HOMELAND SECURITY

NOTES: TABLE APPROVED ON 06/07/2017 PER DEPARTMENT OF HOMELAND SECURITY REQUEST.

RATES LIMITED TO THE RATE FOR LEVEL IV OF THE EXECUTIVE SCHEDULE (5 U.S.C. 5305).

Office of the Chief Human Capital Officer  
U.S. Department of Homeland Security  
Washington, DC 20528



Homeland  
Security

JUN 14 2017

Brenda L. Roberts  
Deputy Associate Director  
Pay and Leave  
U.S. Office of Personnel Management  
1900 E. Street NW  
Washington, D.C. 20415-1000

Dear Ms. Roberts:


Thank you for your letter dated June 7, 2017, approving the Department of Homeland Security (DHS) special salary rate for Customs and Border Protection Officer (CBPO) positions in (b) (7) (E). The Department has just learned that CBP's original request was intended to cover positions in the (b) (7)(F) which encompasses the duty stations of (b) (7) (E). Therefore, we request that OPM amend Special Rate Table Number 0/02 and add the (b) (7)(E) duty stations to the table. The documentation sent in the original May 7, 2017, request included supporting data for the CBPO positions in (b) (7)(E). The position description submitted with the original request also applies to the positions in (b) (7)(E).

Thank you again for your attention to the above clarification. Should members of your staff have questions regarding this request, they may contact (b) (6)

(b) (6)

Sincerely,

(b) (6)

 Owen Yanoan  
Executive Director  
Human Capital Policy and Programs



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

Employee Services

JUN 20 2017

Ms. Gwen Yandall  
Executive Director  
Human Capital Policy and Programs  
Office of the Chief Human Capital Officer  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Ms. Yandall:

Thank you for your request to add (b) (7)(E), (b) (6) to Special Rate Table 0752,  
which covers GS-1895 Customs and Border Protection positions in (b) (7)(E), (b) (6). Your request has  
been approved.

Enclosed is the salary table for this authorization. Coverage becomes effective on the first day of  
the first pay period beginning on or after June 25, 2017. You may use this letter as authority to  
make the necessary pay adjustments.

Sincerely,

(b) (6)

Brenda L. Roberts  
Deputy Associate Director  
Pay and Leave

Enclosure

# SPECIAL RATE TABLE

Number 0752

Grade	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	SUPPLEMENT
05	39963	41286	42629	43961	45294	46627	47960	49293	50625	51958	40%
06	44547	46032	47517	49003	50488	51974	53459	54944	56430	57915	40%
07	49503	51153	52804	54454	56105	57756	59406	61057	62707	64358	40%
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12	87811	90738	93666	96593	99520	102448	105375	108303	111230	114157	40%
13	104418	107898	111378	114859	118339	121820	125300	128780	132261	135741	40%
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15	145141	149979	154818	159656	161900	161900	161900	161900	161900	161900	40%

EFFECTIVE DATE: FIRST DAY OF THE FIRST APPLICABLE PAY PERIOD BEGINNING ON OR AFTER 06/25/2017.

SERIES	OCCUPATION NAME
1895	CUSTOMS AND BORDER PROTECTION

STATE CODE	COUNTY CODE	CITY CODE	LOCATION
(b) (7) (E)	(b) (7)(E), (b) (6)		

AGENCY/SUBELEMENT
HS-DEPARTMENT OF HOMELAND SECURITY

NOTES: MODIFIED TABLE APPROVED ON 06/20/2017, PER DEPARTMENT OF HOMELAND SECURITY REQUEST.

TABLE INITIALLY APPROVED ON 06/07/2017, PER DEPARTMENT OF HOMELAND SECURITY REQUEST.

RATES LIMITED TO THE RATE FOR LEVEL IV OF THE EXECUTIVE SCHEDULE (5 U.S.C. 5305).



# DHS DIRECT-HIRE AUTHORITY

## Mahoney, Michael J

---

**From:** Bailey, Angela (b) (6)  
**Sent:** Thursday, January 26, 2017 11:43 AM  
**To:** Holden, Kimberly A.; Mahoney, Michael J; Jacobs, Karen R  
**Subject:** Yesterday's EOs  
**Attachments:** EO empower ICE, Sanctuary cities.pdf; EO Border Security.pdf

### Summary Border Security:

- Build a wall
- End catch and release
- Stop Central American border crisis
- Increase CBP by 5K
- Stop asylum fraud
- Allow federal law enforcement to access federal land for border security (NEPA laws)
- Publicly detail aid being given to Mexico
- Coordinate with local agencies to address border shortfalls
- Prioritize border prosecutions
- Collect and publish monthly statistics on border data

### Summary Empower ICE:

- Aggressively pursue interior enforcement
- End Sanctuary cities
- Empower ICE to enforce laws
- ID criminal aliens
- Triple ICE removal operations/agents
- Create victim's advocacy office for victims of crime by illegal aliens
- Collect unpaid fines from illegal immigrants

~Angie

Angela Bailey  
Chief Human Capital Officer  
U.S. Department of Homeland Security

(b) (6)

To make an appointment, please email or call (b) (6)



*"With honor and integrity, we will safeguard the American people, our homeland, and our values."*

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the WHITE HOUSE PRESIDENT DONALD J. TRUMP



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## The White House

Office of the Press Secretary

For Immediate Release

January 25, 2017

# Executive Order: Enhancing Public Safety in the Interior of the United States

EXECUTIVE ORDER

-----

## ENHANCING PUBLIC SAFETY IN THE INTERIOR OF THE UNITED STATES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (INA) (8 U.S.C. 1101 et seq.), and in order to ensure the public safety of the American people in communities across the United States as well as to ensure that our Nation's immigration laws are faithfully executed, I hereby declare the policy of the executive branch to be, and order, as follows:

Section 1. Purpose. Interior enforcement of our Nation's immigration laws is critically important to the national security and public safety of the United States.

Many aliens who illegally enter the United States and those who overstay or otherwise violate the terms of their visas present a significant threat to national security and public safety. This is particularly so for aliens who engage in criminal conduct in the United States.

Sanctuary jurisdictions across the United States willfully violate Federal law in an attempt to shield aliens from removal from the United States. These jurisdictions have caused immeasurable harm to the American people and to the very fabric of our Republic.

Tens of thousands of removable aliens have been released into communities across the country, solely because their home countries refuse to accept their repatriation.

Many of these aliens are criminals who have served time in our Federal, State, and local jails. The presence of such individuals in the United States, and the practices of foreign nations that refuse the repatriation of their nationals, are contrary to the national interest.

Although Federal immigration law provides a framework for Federal-State partnerships in enforcing our immigration laws to ensure the removal of aliens who have no right to be in the United States, the Federal Government has failed to discharge this basic sovereign responsibility. We cannot faithfully execute the immigration laws of the United States if we exempt classes or categories of removable aliens from potential enforcement. The purpose of this order is to direct executive departments and agencies (agencies) to employ all lawful means to enforce the immigration laws of the United States.

Sec. 2. Policy. It is the policy of the executive branch to:

- (a) Ensure the faithful execution of the immigration laws of the United States, including the INA, against all removable aliens, consistent with Article II, Section 3 of the United States Constitution and section 3331 of title 5, United States Code;
- (b) Make use of all available systems and resources to ensure the efficient and faithful execution of the immigration laws of the United States;
- (c) Ensure that jurisdictions that fail to comply with applicable Federal law do not receive Federal funds, except as mandated by law;
- (d) Ensure that aliens ordered removed from the United States are promptly removed; and
- (e) Support victims, and the families of victims, of crimes committed by removable aliens.

Sec. 3. Definitions. The terms of this order, where applicable, shall have the meaning provided by section 1101 of title 8, United States Code.

Sec. 4. Enforcement of the Immigration Laws in the Interior of the United States. In furtherance of the policy described in section 2 of this order, I hereby direct agencies to employ all lawful means to ensure the faithful execution of the immigration laws of the United States against all removable aliens.

Sec. 5. Enforcement Priorities. In executing faithfully the immigration laws of the United States, the Secretary of Homeland Security (Secretary) shall prioritize for removal those aliens described by the Congress in sections 212(a)(2), (a)(3), and (a)(6)(C), 235, and 237(a)(2) and (4) of the INA (8 U.S.C. 1182(a)(2), (a)(3), and (a)(6)(C), 1225, and 1227(a)(2) and (4)), as well as removable aliens who:

- (a) Have been convicted of any criminal offense;
- (b) Have been charged with any criminal offense, where such charge has not been resolved;
- (c) Have committed acts that constitute a chargeable criminal offense;
- (d) Have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency;
- (e) Have abused any program related to receipt of public benefits;

(f) Are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or

(g) In the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

Sec. 6. Civil Fines and Penalties. As soon as practicable, and by no later than one year after the date of this order, the Secretary shall issue guidance and promulgate regulations, where required by law, to ensure the assessment and collection of all fines and penalties that the Secretary is authorized under the law to assess and collect from aliens unlawfully present in the United States and from those who facilitate their presence in the United States.

Sec. 7. Additional Enforcement and Removal Officers. The Secretary, through the Director of U.S. Immigration and Customs Enforcement, shall, to the extent permitted by law and subject to the availability of appropriations, take all appropriate action to hire 10,000 additional immigration officers, who shall complete relevant training and be authorized to perform the law enforcement functions described in section 287 of the INA (8 U.S.C. 1357).

Sec. 8. Federal-State Agreements. It is the policy of the executive branch to empower State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law.

(a) In furtherance of this policy, the Secretary shall immediately take appropriate action to engage with the Governors of the States, as well as local officials, for the purpose of preparing to enter into agreements under section 287(g) of the INA (8 U.S.C. 1357(g)).

(b) To the extent permitted by law and with the consent of State or local officials, as appropriate, the Secretary shall take appropriate action, through agreements under section 287(g) of the INA, or otherwise, to authorize State and local law enforcement officials, as the Secretary determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary. Such authorization shall be in addition to, rather than in place of, Federal performance of these duties.

(c) To the extent permitted by law, the Secretary may structure each agreement under section 287(g) of the INA in a manner that provides the most effective model for enforcing Federal immigration laws for that jurisdiction.

Sec. 9. Sanctuary Jurisdictions. It is the policy of the executive branch to ensure, to the fullest extent of the law, that a State, or a political subdivision of a State, shall comply with 8 U.S.C. 1373.

(a) In furtherance of this policy, the Attorney General and the Secretary, in their discretion and to the extent consistent with law, shall ensure that jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary. The Secretary has the authority to designate, in his discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction. The Attorney General shall take appropriate enforcement action against any entity that violates 8 U.S.C. 1373, or which has in effect a statute, policy, or practice that prevents or hinders the enforcement of Federal law.

(b) To better inform the public regarding the public safety threats associated with sanctuary jurisdictions, the Secretary shall utilize the Declined Detainer Outcome Report or its equivalent and, on a weekly basis, make public a comprehensive list of criminal actions committed by aliens and any jurisdiction that ignored or otherwise failed to honor any detainers with respect to such aliens.

(c) The Director of the Office of Management and Budget is directed to obtain and provide relevant and responsive information on all Federal grant money that currently is received by any sanctuary jurisdiction.

Sec. 10. Review of Previous Immigration Actions and Policies. (a) The Secretary shall immediately take all appropriate action to terminate the Priority Enforcement Program (PEP) described in the memorandum issued by the Secretary on November 20, 2014, and to reinstitute the immigration program known as "Secure Communities" referenced in that memorandum.

(b) The Secretary shall review agency regulations, policies, and procedures for consistency with this order and, if required, publish for notice and comment proposed regulations rescinding or revising any regulations inconsistent with this order and shall consider whether to withdraw or modify any inconsistent policies and procedures, as appropriate and consistent with the law.

(c) To protect our communities and better facilitate the identification, detention, and removal of criminal aliens within constitutional and statutory parameters, the Secretary shall consolidate and revise any applicable forms to more effectively communicate with recipient law enforcement agencies.

Sec. 11. Department of Justice Prosecutions of Immigration Violators. The Attorney General and the Secretary shall work together to develop and implement a program that ensures that adequate resources are devoted to the prosecution of criminal immigration offenses in the United States, and to develop cooperative strategies to reduce violent crime and the reach of transnational criminal organizations into the United States.

Sec. 12. Recalcitrant Countries. The Secretary of Homeland Security and the Secretary of State shall cooperate to effectively implement the sanctions provided by section 243(d) of the INA (8 U.S.C. 1253(d)), as appropriate. The Secretary of State shall, to the maximum extent permitted by law, ensure that diplomatic efforts and negotiations with foreign states include as a condition precedent the acceptance by those foreign states of their nationals who are subject to removal from the United States.

Sec. 13. Office for Victims of Crimes Committed by Removable Aliens. The Secretary shall direct the Director of U.S. Immigration and Customs Enforcement to take all appropriate and lawful action to establish within U.S. Immigration and Customs Enforcement an office to provide proactive, timely, adequate, and professional services to victims of crimes committed by removable aliens and the family members of such victims. This office shall provide quarterly reports studying the effects of the victimization by criminal aliens present in the United States.

Sec. 14. Privacy Act. Agencies shall, to the extent consistent with applicable law, ensure that their privacy policies exclude persons who are not United States citizens or lawful permanent residents from the protections of the Privacy Act regarding personally identifiable information.

Sec. 15. Reporting. Except as otherwise provided in this order, the Secretary and the Attorney General shall each submit to the President a report on the progress of the directives contained in this order within 90 days of the date of this order and again within 180 days of the date of this order.

Sec. 16. Transparency. To promote the transparency and situational awareness of criminal aliens in the United States, the Secretary and the Attorney General are



hereby directed to collect relevant data and provide quarterly reports on the following:

- (a) the immigration status of all aliens incarcerated under the supervision of the Federal Bureau of Prisons;
- (b) the immigration status of all aliens incarcerated as Federal pretrial detainees under the supervision of the United States Marshals Service; and
- (c) the immigration status of all convicted aliens incarcerated in State prisons and local detention centers throughout the United States.

Sec. 17. Personnel Actions. The Office of Personnel Management shall take appropriate and lawful action to facilitate hiring personnel to implement this order.

Sec. 18. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,  
January 25, 2017.



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## The White House

Office of the Press Secretary

For Immediate Release

January 25, 2017

# Executive Order: Border Security and Immigration Enforcement Improvements

EXECUTIVE ORDER

-----

## BORDER SECURITY AND IMMIGRATION ENFORCEMENT IMPROVEMENTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (INA), the Secure Fence Act of 2006 (Public Law 109 367) (Secure Fence Act), and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104 208 Div. C) (IIRIRA), and in order to ensure the safety and territorial integrity of the United States as well as to ensure that the Nation's immigration laws are faithfully executed, I hereby order as follows:

Section 1. Purpose. Border security is critically important to the national security of the United States. Aliens who illegally enter the United States without inspection or admission present a significant threat to national security and public safety. Such aliens have not been identified or inspected by Federal immigration officers to determine their admissibility to the United States. The recent surge of illegal immigration at the southern border with Mexico has placed a significant strain on Federal resources and overwhelmed agencies charged with border security and immigration enforcement, as well as the local communities into which many of the aliens are placed.

Transnational criminal organizations operate sophisticated drug- and human-trafficking networks and smuggling operations on both sides of the southern border, contributing to a significant increase in violent crime and United States deaths from dangerous drugs. Among those who illegally enter are those who seek to harm Americans through acts of terror or criminal conduct. Continued illegal immigration presents a clear and present danger to the interests of the United States.

Federal immigration law both imposes the responsibility and provides the means for the Federal Government, in cooperation with border States, to secure the Nation's southern border. Although Federal immigration law provides a robust framework for Federal-State partnership in enforcing our immigration laws and the Congress has authorized and provided appropriations to secure our borders the Federal Government has failed to discharge this basic sovereign responsibility. The purpose of this order is to direct executive departments and agencies (agencies) to deploy all lawful means to secure the Nation's southern border, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely.

Sec. 2. Policy. It is the policy of the executive branch to:

- (a) secure the southern border of the United States through the immediate construction of a physical wall on the southern border, monitored and supported by adequate personnel so as to prevent illegal immigration, drug and human trafficking, and acts of terrorism;
- (b) detain individuals apprehended on suspicion of violating Federal or State law, including Federal immigration law, pending further proceedings regarding those violations;
- (c) expedite determinations of apprehended individuals' claims of eligibility to remain in the United States;
- (d) remove promptly those individuals whose legal claims to remain in the United States have been lawfully rejected, after any appropriate civil or criminal sanctions have been imposed; and
- (e) cooperate fully with States and local law enforcement in enacting Federal-State partnerships to enforce Federal immigration priorities, as well as State monitoring and detention programs that are consistent with Federal law and do not undermine Federal immigration priorities.

Sec. 3. Definitions. (a) "Asylum officer" has the meaning given the term in section 235(b)(1)(E) of the INA (8 U.S.C. 1225(b)(1)).

- (b) "Southern border" shall mean the contiguous land border between the United States and Mexico, including all points of entry.
- (c) "Border States" shall mean the States of the United States immediately adjacent to the contiguous land border between the United States and Mexico.
- (d) Except as otherwise noted, "the Secretary" shall refer to the Secretary of Homeland Security.
- (e) "Wall" shall mean a contiguous, physical wall or other similarly secure, contiguous, and impassable physical barrier.
- (f) "Executive department" shall have the meaning given in section 101 of title 5, United States Code.
- (g) "Regulations" shall mean any and all Federal rules, regulations, and directives lawfully promulgated by agencies.

(h) "Operational control" shall mean the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

Sec. 4. Physical Security of the Southern Border of the United States. The Secretary shall immediately take the following steps to obtain complete operational control, as determined by the Secretary, of the southern border:

(a) In accordance with existing law, including the Secure Fence Act and IIRIRA, take all appropriate steps to immediately plan, design, and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border;

(b) Identify and, to the extent permitted by law, allocate all sources of Federal funds for the planning, designing, and constructing of a physical wall along the southern border;

(c) Project and develop long-term funding requirements for the wall, including preparing Congressional budget requests for the current and upcoming fiscal years; and

(d) Produce a comprehensive study of the security of the southern border, to be completed within 180 days of this order, that shall include the current state of southern border security, all geophysical and topographical aspects of the southern border, the availability of Federal and State resources necessary to achieve complete operational control of the southern border, and a strategy to obtain and maintain complete operational control of the southern border.

Sec. 5. Detention Facilities. (a) The Secretary shall take all appropriate action and allocate all legally available resources to immediately construct, operate, control, or establish contracts to construct, operate, or control facilities to detain aliens at or near the land border with Mexico.

(b) The Secretary shall take all appropriate action and allocate all legally available resources to immediately assign asylum officers to immigration detention facilities for the purpose of accepting asylum referrals and conducting credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1225(b)(1)) and applicable regulations and reasonable fear determinations pursuant to applicable regulations.

(c) The Attorney General shall take all appropriate action and allocate all legally available resources to immediately assign immigration judges to immigration detention facilities operated or controlled by the Secretary, or operated or controlled pursuant to contract by the Secretary, for the purpose of conducting proceedings authorized under title 8, chapter 12, subchapter II, United States Code.

Sec. 6. Detention for Illegal Entry. The Secretary shall immediately take all appropriate actions to ensure the detention of aliens apprehended for violations of immigration law pending the outcome of their removal proceedings or their removal from the country to the extent permitted by law. The Secretary shall issue new policy guidance to all Department of Homeland Security personnel regarding the appropriate and consistent use of lawful detention authority under the INA, including the termination of the practice commonly known as "catch and release," whereby aliens are routinely released in the United States shortly after their apprehension for violations of immigration law.

Sec. 7. Return to Territory. The Secretary shall take appropriate action, consistent with the requirements of section 1232 of title 8, United States Code, to ensure that aliens described in section 235(b)(2)(C) of the INA (8 U.S.C. 1225(b)(2)(C)) are returned to the territory from which they came pending a formal removal proceeding.

Sec. 8. Additional Border Patrol Agents. Subject to available appropriations, the Secretary, through the Commissioner of U.S. Customs and Border Protection, shall take all appropriate action to hire 5,000 additional Border Patrol agents, and all appropriate action to ensure that such agents enter on duty and are assigned to duty stations as soon as is practicable.

Sec. 9. Foreign Aid Reporting Requirements. The head of each executive department and agency shall identify and quantify all sources of direct and indirect Federal aid or assistance to the Government of Mexico on an annual basis over the past five years, including all bilateral and multilateral development aid, economic assistance, humanitarian aid, and military aid. Within 30 days of the date of this order, the head of each executive department and agency shall submit this information to the Secretary of State. Within 60 days of the date of this order, the Secretary shall submit to the President a consolidated report reflecting the levels of such aid and assistance that has been provided annually, over each of the past five years.

Sec. 10. Federal-State Agreements. It is the policy of the executive branch to empower State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law.

(a) In furtherance of this policy, the Secretary shall immediately take appropriate action to engage with the Governors of the States, as well as local officials, for the purpose of preparing to enter into agreements under section 287(g) of the INA (8 U.S.C. 1357(g)).

(b) To the extent permitted by law, and with the consent of State or local officials, as appropriate, the Secretary shall take appropriate action, through agreements under section 287(g) of the INA, or otherwise, to authorize State and local law enforcement officials, as the Secretary determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary. Such authorization shall be in addition to, rather than in place of, Federal performance of these duties.

(c) To the extent permitted by law, the Secretary may structure each agreement under section 287(g) of the INA in the manner that provides the most effective model for enforcing Federal immigration laws and obtaining operational control over the border for that jurisdiction.

Sec. 11. Parole, Asylum, and Removal. It is the policy of the executive branch to end the abuse of parole and asylum provisions currently used to prevent the lawful removal of removable aliens.

(a) The Secretary shall immediately take all appropriate action to ensure that the parole and asylum provisions of Federal immigration law are not illegally exploited to prevent the removal of otherwise removable aliens.

(b) The Secretary shall take all appropriate action, including by promulgating any appropriate regulations, to ensure that asylum referrals and credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1125(b)(1)) and 8 CFR 208.30, and reasonable fear determinations pursuant to 8 CFR 208.31, are conducted in a manner consistent with the plain language of those provisions.

(c) Pursuant to section 235(b)(1)(A)(iii)(I) of the INA, the Secretary shall take appropriate action to apply, in his sole and unreviewable discretion, the provisions



of section 235(b)(1)(A)(i) and (ii) of the INA to the aliens designated under section 235(b)(1)(A)(iii)(II).

(d) The Secretary shall take appropriate action to ensure that parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.

(e) The Secretary shall take appropriate action to require that all Department of Homeland Security personnel are properly trained on the proper application of section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) and section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)), to ensure that unaccompanied alien children are properly processed, receive appropriate care and placement while in the custody of the Department of Homeland Security, and, when appropriate, are safely repatriated in accordance with law.

Sec. 12. Authorization to Enter Federal Lands. The Secretary, in conjunction with the Secretary of the Interior and any other heads of agencies as necessary, shall take all appropriate action to:

(a) permit all officers and employees of the United States, as well as all State and local officers as authorized by the Secretary, to have access to all Federal lands as necessary and appropriate to implement this order; and

(b) enable those officers and employees of the United States, as well as all State and local officers as authorized by the Secretary, to perform such actions on Federal lands as the Secretary deems necessary and appropriate to implement this order.

Sec. 13. Priority Enforcement. The Attorney General shall take all appropriate steps to establish prosecution guidelines and allocate appropriate resources to ensure that Federal prosecutors accord a high priority to prosecutions of offenses having a nexus to the southern border.

Sec. 14. Government Transparency. The Secretary shall, on a monthly basis and in a publicly available way, report statistical data on aliens apprehended at or near the southern border using a uniform method of reporting by all Department of Homeland Security components, in a format that is easily understandable by the public.

Sec. 15. Reporting. Except as otherwise provided in this order, the Secretary, within 90 days of the date of this order, and the Attorney General, within 180 days, shall each submit to the President a report on the progress of the directives contained in this order.

Sec. 16. Hiring. The Office of Personnel Management shall take appropriate action as may be necessary to facilitate hiring personnel to implement this order.

Sec. 17. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,  
January 25, 2017.



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**Mahoney, Michael J**

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**From:** Holden, Kimberly A.  
**Sent:** Friday, March 24, 2017 12:19 PM  
**To:** Mahoney, Michael J  
**Subject:** FW: DHS DHA OPM Request  
**Attachments:** CHCO Signed DHA OPM Request.pdf

**Importance:** High

Attached is the signed DHS request for your action. Please expedite. Thanks

*Kimberly A. Holden  
Deputy Associate Director Recruitment and Hiring  
Office of Personnel Management  
Employee Services  
1900 E Street, N.W. 6500AJ  
Washington, DC 20415*

(b) (6)

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**From:** Yandall, Gwen (b) (6)  
**Sent:** Friday, March 24, 2017 12:08 PM  
**To:** Reinhold, Mark D  
**Cc:** Holden, Kimberly A.; Jacobs, Karen R; (b) (6) Bailey, Angela; O'Donnell, Ruth  
**Subject:** DHS DHA OPM Request

Mark,

Attached is the signed DHS Request for DHA.

Thank you for the collaboration between (b) (6) shop and your OPM team on the behalf of DHS.

Please acknowledge receipt.

Looking forward to the OPM response.

G.  
GWEN YANDALL  
Executive Director  
Human Capital Policy and Programs  
Department of Homeland Security

(b) (6)

To make an appointment, please email or call (b) (6)



**Homeland  
Security**

*"With honor and integrity, we will safeguard the American people, our homeland, and our values."*

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# Homeland Security

March 23, 2017

The Honorable Kathleen McGettigan  
Acting Director  
U.S. Office of Personnel Management  
Attn: Request for Direct-Hire Authority  
1900 E Street, NW  
Washington, D.C. 20415-1000

Dear Acting Director McGettigan:

The Department of Homeland Security (DHS), Office of the Chief Human Capital Officer (OCHCO), requests Direct-Hire Authority (DHA) as a result of our urgent critical hiring need to meet mission requirements.

This DHA request is primarily driven by two Executive Orders issued on January 25, 2017. The first, *Border Security and Immigration Enforcement Improvements*, orders DHS to "...hire 5,000 additional Border Patrol agents, and (take) all appropriate action to ensure that such agents enter on duty and are assigned to duty stations as soon as is practicable." The second, *Enhancing Public Safety in the Interior of the United States*, directs DHS to "...hire 10,000 additional immigration officers, who shall complete relevant training and be authorized to perform the law enforcement functions described in section 287 of the INA (8 U.S.C. 1357)." Both Executive Orders have the additional impact of requiring the timely appointment of operational and support staff in order to fully implement them.

The work that will need to be done in support of these efforts impacts several components across DHS to include: U.S. Customs and Border Protection (CBP), Federal Law Enforcement Training Centers (FLETC), U.S. Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), and U.S. Coast Guard (USCG)

**1. Positions that must be filled:**

Component	Position Title(s)	Series	Grade(s)	Hires Needed	Geographic Location(s)
CBP	Border Patrol Agent	1896	5/7/9	(b) (7)(E)	(b) (6), (b) (7)(E)
	Customs and Border Protection Officer	1895	5/7/9	(b) (7)(E)	

	Human Resources Specialists	201	7 thru 13	(b) (7)(E)	(b) (6), (b) (7)(E)
	Air Interdiction Agent	1881	11/12/13		
	Marine Interdiction Agent	1801	9 thru 13		
	Aviation Enforcement Agent	1801	9 thru 12		
FLETC	Law Enforcement Specialists (Instructors)	1801	12/13		
ICE	Deportation Officer	1801	5 thru 12		
	Criminal Investigator	1811	7 thru 13		
	Human Resources Specialist	201	7 thru 13		
	Personnel Security Specialist	80	7/9/11/12		
USCIS	Adjudication Officer	1801	9 thru 14		
	Supervisory Adjudication Officer	1801	14/15		
	Immigration Analyst (FDNS)	1801	5 thru 9		
	Immigration Officer (FDNS)	1801	5 thru 14		
	Supervisory Immigration Officer (FDNS)	1801	14/15	(b) (7)(E)	
	Immigration Services Officer	1801	5 thru 13		
	Supervisory Immigration Services Officer	1801	13/14/15		
	Asylum Officer	930	9 thru 14		
	Supervisory Asylum Officer	930	13/14/15		
	Human Resources Specialists	201	7 thru 13		
USCG	Criminal Investigators	1811	12/13		
	Security Specialists	80	12		
	Intelligence Operations Specialists	132	13	(b) (7)(E)	
	Human Resources Specialists	201	7 thru 13		

(b) (7)(E)

**2. The event or circumstance that has created the need to fill the position(s).**

CBP must fill Border Patrol Agent (BPA) and Customs and Border Protection Officer (CBPO) positions to conform to the requirements of the President's January 25, 2017 Executive Order,

*Border Security and Immigration Enforcement Improvements* (the Executive Order). The Executive Order directs CBP to hire 5,000 additional BPAs to meet the stated purpose of improving border security to prevent illegal immigration and drug and human trafficking at the Southern Border and to combat transnational criminal organizations that present a clear and present danger to the interests of the United States. While the Executive Order specifies the hiring of 5,000 additional BPAs, the stated purpose of improving border security to prevent illegal immigration, drug and human trafficking, and acts of terror, also necessitates the hiring of additional CBPOs to accomplish those goals at (b) (6), (b) (7)(E)  
(b) (6)

CBP's compliance with the Executive Order also requires conformity with DHS Secretary John F. Kelly's February 20, 2017 memorandum, *Implementing the President's Border Security and Immigration Enforcement Improvements Policies*, which directs CBP to hire an additional 500 Air and Marine Agents and Officers to ensure complete operational control of the border. The Secretary's memorandum reiterates the critical need for CBP to continue to prevent illegal immigration, drug and human trafficking, and acts of terror.

FLETC is responsible for providing the basic training for all of these new law enforcement officers. As dictated by accreditation standards, new 1801 instructors must become certified. Only certified instructors are authorized to independently instruct and conduct graded practical exercises in FLETC's training programs. This process takes four to six months to complete. In order to meet the anticipated surge in CBP and ICE officers, FLETC must have a ready-to-go cadre of fully certified instructors no later than September 2017.

FLETC is currently estimating the need for approximately (b) (7)(E) additional Temporary or Term Law Enforcement Specialists (Instructors), GS-1801-12/13; however, finalization of staffing needs are dependent upon student throughput for ICE and CBP. In accordance with FLETC's instructor staffing model, FLETC and its Partner Organizations will each be responsible for 50 percent of the overall increase in instructor staffing as a result of the Executive Orders. Therefore, FLETC's hiring needs will be affected by whether Partner Organizations provide instructors or whether they provide funding for FLETC to hire them. Per past practice, FLETC will continue to work with ICE and CBP to determine appropriate staffing levels at all locations. FLETC will also require training support positions within the 1700 occupational series to support the surge. FLETC will refine these resource needs based on final annual hiring goals for both ICE and CBP, as well as the number of Partner Organization instructors provided as detailees.

With regard to ICE, the Executive Order: *Enhancing Public Safety in the Interior of the United States*, issued on January 25, 2017, mandates ICE to hire 10,000 additional law enforcement officers. ICE estimates approximately 6,596 additional operational and support positions will need to be filled to support the expanded law enforcement workforce.

Based on the Executive Order on *Border Security and Immigration Enforcement Improvements*, dated January 25, 2017 (the Executive Order), USCIS has been directed to significantly ramp up our hiring to recruit a large number of immigration officers, analysts, investigators, and specialists to support the law enforcement efforts of CBP and ICE to protect our nation's borders and enforce our nation's laws.

Border security and immigration enforcement are critically important to the national security of the United States. Aliens who illegally enter the United States without being properly vetted by immigration officials pose a serious hazard and present a significant threat to national security and public safety, while also undermining the integrity of our immigration system. Such aliens have not been identified or inspected by Federal immigration officers to determine their admissibility to the United States. The recent surge of illegal immigration at the southern border with Mexico has placed a significant strain on Federal resources and overwhelmed agencies charged with border security and immigration enforcement, as well as the local communities into which many of the aliens are placed.

Transnational criminal organizations operate sophisticated drug and human trafficking networks and smuggling operations on both sides of the southern border, contributing to a significant increase in violent crime and United States deaths from dangerous drugs. Among those who illegally enter are those who seek to harm Americans through acts of terror or criminal conduct. Continued illegal immigration presents a clear and present danger to the interests of the United States.

The purpose of this Executive Order is to direct executive departments and agencies to deploy all lawful means to secure the Nation's southern border, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely.

In order to fully support the law enforcement efforts of CBP and ICE required by the Executive Order on *Border Security and Immigration Enforcement Improvements*, the U.S. Coast Guard must quickly increase its investigative service capacity, optimize Joint Task Force activities, enhance document and media exploitation (DOMAX), modernize biometrics at sea, restore Coast Guard military and operational readiness, and improve its shore infrastructure. This necessitates the expedited hiring of over (b) (7)(E) an positions, including criminal investigators, security specialists, intelligence operations specialists, civil engineers, architects and human resources specialists.

3. *The duration for which the urgent critical hiring need is expected to exist.*

DHS is requesting DHA to fill these critical positions from April 1, 2017 through March 31, 2022.

4. *Supporting evidence that demonstrates why the use of other hiring authorities is impracticable or ineffective. Examples include:*

**CBP**

a) The use of other hiring authorities is impracticable or not quite as effective in meeting the critical hiring need.

CBP has experienced difficulty in meeting its hiring needs for the BPA and CBPO positions for the last several years. Both positions have staffing floors set by Congress, and despite its best efforts to improve recruitment and retention, CBP has been unable to meet those



minimum levels. Thus, the Executive Order mandate to hire an additional 5,000 BPAs has exacerbated CBP's hiring challenges and resulted in a critical hiring need.

Since the time that the Congressionally-mandated staffing floors have been in place, CBP has attempted to use other appointing authorities to increase the number of qualified applicants, but those efforts have only slowly attracted a less-than-sufficient number of candidates for the BPA and CBPO positions. Further complicating CBP's efforts to hire BPAs and CBPOs is the requirement of the Anti-Border Corruption Act of 2010, which requires CBP to polygraph all applicants for law enforcement positions, to include BPAs and CBPOs. This requirement was recently relaxed by the National Defense Authorization Act for FY2016, but only for those applicants who are veterans already in possession of an active TS/SCI clearance. Because a high percentage of individuals do not pass the polygraph examination, CBP needs a larger number of applicants to enter the hiring pipeline to result in a sufficient number of individuals that are found eligible and suitable for employment with CBP. Thus, the use of other hiring authorities such as transfers, reassignments, promotions, reinstatements, Schedule A, Schedule B, Veterans Recruitment Appointments, and Veterans Employment Opportunities Act appointments have provided minimal increases in staffing numbers, but fall well short of the high numbers needed to meet both the Congressionally-mandated staffing floors and the additional hiring requirements of the Executive Order.

In contrast to these other hiring authorities, DHA expedites the hiring process by reducing processing time and streamlining the procedures to recruit and select candidates. CBP currently uses veteran hiring authorities to its fullest extent and has been successful in attracting and hiring veterans, as evidenced by its number 2 ranking among Monster's 2016 Best Companies for Veterans. Therefore, the DHA would enable CBP to have greater access to qualified non-veteran candidates while maintaining its commitment to veteran hiring.

CBP's hiring process transformation initiative is designed to enhance applicant processing to increase the capacity, efficiency, and effectiveness of recruitment. CBP will enhance elements of the current hiring infrastructure to address the increased number of applicants resulting from recruitment efforts, to include through DHA. Additionally, due to the large increase in hiring, the number of employees lost to attrition will also increase, therefore creating an even larger recruitment need to account for backfilling vacated positions. Enhancing CBP's hiring process will be necessary to meet the objectives of the Executive Order and mitigate a possible spike in near-term attrition.

b) The Executive Order and Secretary Kelly's subsequent memorandum created the critical hiring need and negatively impacts CBP's recruiting and staffing of border protection positions.

The issuance of the Executive Order created the immediate critical hiring need and has served to exacerbate CBP's existing staffing challenges. CBP has been below the staffing levels authorized by Congress for the BPA and CBPO positions for several years, and a variety of factors have contributed to the staffing shortfalls and continue to affect CBP's ability to complete hiring of the 2,000 new CBPOs funded in the Consolidated Appropriations Act, 2014 (Pub. L. No. 113-76) and maintain the BPA staffing floor mandated by Congress most recently in the Consolidated Appropriations Act, 2016 (Pub. L.

No. 114-113). Sustaining CBP frontline staffing levels requires annually attracting and assessing thousands of applicants to replace employee losses resulting from retirement and other attrition, as well as filling any new positions funded or authorized by Congress. The issuance of the Executive Order has transformed CBP's staffing challenge into a critical hiring need and further negatively impacts CBP's ability to recruit a sufficient number of applicants to staff the required number of BPA, CBPO, AIA, AEA and MIA positions.

c) CBP has undertaken the following recruitment efforts to urgently fill BPA and CBPO positions in response to the critical hiring need.

i. *Previous recruitment efforts:*

In FY 2016, CBP conducted an aggressive number of recruitment events (4,407 for BPAs / CBPOs, 191 for AIAs / AEAs / MIAs), spanning across various special emphasis groups: females, veterans, Hispanic or Latinos, Black or African American, Native American, Asian, Pacific Islanders, and persons with disabilities. CBP has conducted 796 recruitment events in the first quarter of FY 2017 and anticipates increasing the number of recruitment events as funding requirements are met. CBP will continue to collaborate with the Department of Defense's Transition Assistance Program (TAP) office to reach the military service community to promote CBP jobs. Also, outreach to diversity groups enables CBP to identify barriers to recruitment and equal employment.

CBP's National Frontline Recruitment Command (NFRC) produces marketing material to include component-specific brochures that promote CBP's compensation and benefits packages to potential applicants. These recruitment materials are distributed in recruitment events on colleges and universities, career fairs, diversity and professional organization events, and sporting events (Big 10, Spartan Races, Professional Bull Rider Association events). In areas where potential applicants may enter a hiring hub or expedited hiring process, recruiters are directed to provide information on CBP's hiring hub program (pre-employment integrated process, which includes quality control, suitability determination, and expedited polygraphs).

In FY 2016, CBP completed several marketing campaigns to promote the CBP brand as well as market frontline job opportunities. The Agency spent funds to 1) develop videos, images, flyers, pamphlets for all CBP operational components; 2) execute 28 print campaigns; 3) execute 18 advertisements on local broadcast media; and 4) execute 22 billboard and signage campaigns on highways and in cities near major recruitment events. Earlier in FY 2017, CBP launched a six-week movie theater campaign in 17 mid-West states and the Capital Region. CBP will continue to deploy an immersive marketing strategy spanning across multiple channels to go-to-market to improve brand awareness. The Agency plans to continue refining its marketing material to include videos, flyers, print media, and pamphlets to effectively market to both non and special emphasis groups including veterans, transitioning service members, and diversity groups.

Also in FY 2016, CBP began its first digital media recruitment and marketing activities. The Agency deployed 88 digital campaigns, including banners and advertisements across multiple search engines (i.e., Google and Yahoo!) to promote brand awareness and

frontline job opportunities. Additionally, CBP established a presence on digital job boards to include Monster.com, LinkedIn, Indeed, military.com and police.org. Through analysis data reported from the digital campaigns, the data showed that the Agency has strong brand recognition along the Southwest border, but not in Midwest states, Northern states, and in remote locations. Additionally, CBP found that the public lacked understanding of CBP's operational component missions, unlike its Department of Defense armed forces counterparts.

CBP has found that over 50 percent of FY 2016 applications indicated that applicants heard about CBP job opportunities through online sources. CBP has coordinated with its law enforcement competitors to include the United States Coast Guard to understand best practices and lessons learned on effective digital recruitment. Additionally, the Agency has met with large state and local law enforcement entities such as Los Angeles Police Department and New York Police Department to understand recruitment strategies implemented at local levels.

CBP seeks to build on its digital momentum in FY 2017 and FY 2018 by enhancing its digital media recruitment and marketing activities. The Agency conducted a third party independent assessment to evaluate the strength of CBP's digital presence and where to focus its marketing and recruitment efforts. A findings report was developed to document CBP's digital gaps and opportunities to elevate CBP's brand awareness so that its digital platforms can serve as an effective recruitment tool. CBP seeks to address these recommendations this year by implementing the following strategy: 1) establish a governance structure for executing and monitoring digital media activity; 2) develop a measurement tool that will allow CBP to monitor the strength of its digital presence on its digital platforms; 3) develop focused messaging strategies to reach specific audience segments that are part of the quality applicant pool; 4) improve CBP's Career website so that its digital presence is on par or more competitive than other law enforcement entities.

CBP will expand its marketing mediums to encompass: radio, television broadcasts, large-scale national sporting events, and digital partnerships to enable the Agency to reach to a broader audience. Further, CBP has been exploring opportunities to market on digital streaming services such as YouTube and Hulu in order to reach a larger pool of potential candidates. CBP utilizes radio and cable television to spread awareness of CBP's mission. The Agency is also using other marketing strategies and various non-special emphasis group events and marketing to advertise CBP's mission and job opportunities with the National Football League (NFL). Also, CBP is continuing to utilize paid advertising to promote CBP's banners on third party websites.

*ii. Results of CBP's recruiting efforts:*

In FY 2016, 122,683 applications for BPA and CBPO positions were received, and of those applications, 91,703, or an average of 74.7 percent, made it past the initial screening questions. CBP considers an applicant to be a new candidate if he or she does not have a current test score for the Entrance Exam. In FY 2016, there were 88,470, or an average of 72.1 percent, of applicants required to take the Entrance Exam. Of the

applicants who were referred to take the Entrance Exam, 49,619, or an average of 56.1 percent, were in attendance to take the exam.

Of the 4,989 applications received in FY 2016 for AIA, MIA, and AEA positions, only 1,081 made it past the initial screening questions, of which 294 were found to be minimally qualified.

The average time to hire for BPAs and CBPOs in FY 2016 – for the overall process from application to Enter on Duty (EOD) – was 338 days. Therefore, the majority of hires achieved in FY 2016 were not from FY 2016 announcements. The Applicant to EOD ratio for the FY 2016 hiring process was 177 to 1 for BPAs and 103 to 1 for CBPOs. CBP made 2,276 offers for employment; however, 809 of those offers were to current employees who applied to the Delegated Examining Unit (DEU) announcement to move to a location included in the publication. CBP hired 1,268 BPAs and CBPOs, but not all of these employees received an offer in FY 2016 as some of them may have received their offer in FY 2015.

For the air and marine officers, the average time-to-hire for FY 2016 for the overall process from application to EOD was 272 days. As with the BPAs and CBPOs, the majority of hires achieved in FY 2016 were not from FY 2016 announcements. The applicant to EOD ratio for the FY 2016 hiring process was 20 to 1 for AIAs and 24 to 1 for MIAs. Applicant to EOD data for AEAs is unavailable at this time. The applicant-to-EOD ratio is based on those applicants who made it past the initial screening questions.

The following charts include detailed yield rates for the FY 2016 process:

BPA FY16 Process Yield Rate			
Process Step	Pass	Fail	Discontinued
Announcement/Pre-Screening	73%	27%	0%
Entrance Examination	28%	25%	47%
Qualifications	84%	16%	0%
Interview	80%	7%	12%
Medical Exam	85%	7%	8%
PFT1	86%	5%	10%
Polygraph Phase	22%	65%	13%
Background Investigation	53%	38%	8%
Official Offer	53%	41%	6%
Drug Test	100%	0%	0%
PFT2	91%	7%	2%
Overall Pass Rate	0.56%		

CBPO FTE Process Yield Rate			
Process Steps	Pass	Fail	Discontinued
Announcement/Pre-Screening	100%	0%	0%
Entrance Examination	0%	0%	42%
Qualifications	0%	0%	0%
Interview	0%	0%	0%
Medical Exam	0%	0%	0%
PFT1	0%	0%	0%
eQIP	0%	0%	0%
Polygraph Phase	0%	0%	0%
Background Investigation	0%	0%	0%
Official Offer	0%	0%	0%
Drug Test	0%	0%	0%
PFT2	0%	0%	0%
Total Pass Rate	0%	0%	0%

AIA (1881) FY 2016 Process Yield Rate			
Process Steps	Pass	Fail	Discontinued
Announcement/Pre-Screening	42 percent	58 percent	0 percent
Entrance Examination	Not Applicable		
Qualifications	33 percent	67 percent	0 percent
Interview/Assessment	79 percent	14 percent	7 percent
Medical Exam	Require FAA Medical Certificate		
PFT1**	86 percent	0 percent	14 percent
eQIP	See Note *		
Polygraph Phase	See Note *		
Background Investigation*	22 percent	10 percent	67 percent
Official Offer	100 percent	0 percent	0 percent
Drug Test	100 percent	0 percent	0 percent
PFT2**	100 percent	0 percent	0 percent

AEA (1801) FY 2016 Process Yield Rate			
Process Steps	Pass	Fail	Discontinued
Announcement/Pre-Screening	65 percent	35 percent	0 percent
Entrance Examination	Not Applicable		
Qualifications	32 percent	68 percent	0 percent
Interview/Assessment	Information to be provided		
Medical Exam	Information to be provided		
PFT1**	100 percent	0 percent	0 percent
eQIP	Data unavailable at this time		
Polygraph Phase	Data unavailable at this time		
Background Investigation*	Data unavailable at this time		
Official Offer	100 percent	0 percent	0 percent
Drug Test	100 percent	0 percent	0 percent
PFT2**	100 percent	0 percent	0 percent

MIA (1801) FY 2016 Process Yield Rate			
Process Steps	Pass	Fall	Discontinued
Announcement/Pre-Screening	10 percent	90 percent	0 percent
Entrance Examination	Not Applicable		
Qualifications	18 percent	82 percent	0 percent
Interview/Assessment	64 percent	33 percent	3 percent
Medical Exam	90 percent	0 percent	10 percent
PFT1**	83 percent	0 percent	17 percent
eQIP	See Note *		
Polygraph Phase	See Note *		
Background Investigation*	38 percent	14 percent	48 percent
Official Offer	100 percent	0 percent	0 percent
Drug Test	100 percent	0 percent	0 percent
PFT2**	100 percent	0 percent	0 percent

\* Note: For AIA and MIA, the Background Investigation measure includes polygraph and field investigation. This data is likely to differ from data provided by OPR tracking mechanisms.

\*\* Note: PFT1 and PFT2 Pass rate reflects Participation only and applicants who continued in the pre-employment hiring process.

With DHA, it is anticipated that our announcement/prescreening fail rate of 27 percent for BPAs and 24 percent for CBPOs will decrease and attract more candidates to apply with a streamlined application process. It is also anticipated that our announcement/pre-screening fail rate of 58 percent for Air Interdiction Agents (AIA), 35 percent for Aviation Enforcement Agents (AEA) and 90 percent for Marine Interdiction Agents (MIA) will decrease and attract more candidates to apply with a streamlined application process. Further, DHA will enable CBP to hire, after public notice is given, any qualified applicant without regard to 5 U.S.C. §§ 3309-3318, 5 C.F.R. Part 211, or 5 C.F.R. Part 337, Subpart A, which will expedite hiring by eliminating competitive rating and ranking, and veterans' preference.

Meanwhile, the NFRC continues to make strides in collecting and analyzing data on its recruitment and marketing efforts. The NFRC understands that Return on Investment analysis is critical to ensure time and money is being utilized in the areas that yield high numbers of quality applicants. Currently, there is no ability for CBP to link an individual from the time of recruitment to EOD. The NFRC is currently working with the Office of Personnel Management (OPM) and its internal stakeholders to develop mechanisms that will allow CBP to track the number of recruiter interactions with applicants, demographic information of attendees at recruitment events and interaction in digital/in-person marketing campaigns, and the number of touch points to convert a candidate into an applicant. The NFRC believes that this end-to-end tracking ability will allow CBP to identify marketing campaigns and recruitment activities that yield applicants and EODs.

This will also enable CBP to develop tailored marketing strategies to attract qualified applicants and diversity candidates.

iii. *Extensions/Renewals:*

Not applicable.

Additionally, the NFRC has been working to produce updated recruitment brochures and marketing material to disseminate at recruiting events, and is executing a marketing plan that includes print and digital partnerships. CBP intends to expand its digital presence online through improvements to the CBP Career Page, tailored recruitment messages on Twitter, Instagram, and YouTube, and deploying video ads on cable TV networks to include MTV, A&E, History, Discovery Science, NBA-TV, FX Movie, FOX Sports, and National Geographic. Also, CBP will continue to refine its branding efforts to promote consistent messaging and attract millennials to apply to CBP frontline positions. Lastly, the NFRC will continue to identify professional organizations and nation-wide advertising opportunities to reach a diverse pool of candidates to broaden the CBP audience.

**FLETC**

- a) The use of category rating procedures, adjudicating veterans' preference, and the rating and ranking of applicants, as performed under Delegated Examining, represents a significant portion of FLETC's recruitment time for 1801 positions. FLETC would need to begin accessions by April 1, 2017, in order to have an adequate level of trained and certified staff. DHA would enable FLETC to work more expeditiously to meet this deadline.
- b) In conjunction with the use of direct hire authority, FLETC is planning numerous creative strategies to recruit the staff needed to meet the surge. Specifically, FLETC will recruit "in bulk" at multiple locations in broad training topical areas such as firearms, driver training, physical techniques, and enforcement operations. FLETC is planning to institute full-time standing interview panels and will explore its ability to send recruitment letters to retiring federal law enforcement personnel explaining the FLETC's Reemployed Annuitant Authority and opportunities to work for FLETC after retirement with no offset to their basic annuity. Other means of outreach will include updates to the DHS and FLETC webpages regarding Surge Employment Opportunities, as well as recruitment activities at traditional venues such as law enforcement conferences. However, DHA would enable FLETC to pursue legally acceptable outreach through infomercials on BLUTube.com, the Law Enforcement TV 9 Network, and other advertising and marketing outlets to reach those experienced law enforcement personnel who would otherwise not be within reach through traditional delegated examining procedures.
- c) The FLETC has implemented targeted recruitment strategies over the past two years, which included the use of LISTSERVs for law enforcement-oriented publications and organizations, our component's Facebook and Twitter accounts, and recruitment fairs at events hosted by law enforcement organizations.

## ICE

The Executive Order essentially mandates ICE to triple in size. With the addition of the operational and support positions that will be required to implement that mandate, ICE will grow from approximately 5,000 positions to over 20,000 in the relatively short period of a year or two. This aggressive rate and scope of growth will be difficult to achieve without approved DHA.

## USCIS

DHA is critical for USCIS to quickly hire a greater number of immigration officers, analysts, investigators, and specialists to respond timely to the Administration's top priorities while continuing to address other existing and emerging priorities. Given the urgency of the Executive Order and the need for robust immigration adjudications and eligibility determinations, it is impractical for USCIS to solely rely on the current hiring authorities allowed. In addition, the political sensitivity and civil unrest around the issue of immigration has caused us to experience unwelcome participation at recruitment events. Using DHA to meet the critical hiring need is efficient, effective, and necessary in order to meet the desired objectives of immigration policies, and in the interest of national security. Although we will continue to fully utilize all available hiring authorities (such as transfer, reassignment, promotion, reinstatement, Schedule A, Schedule B, Veterans Recruitment Appointments (VRA), and Veterans Employment Opportunities Act (VEOA) appointments), the typical timelines associated with hiring and agile requirements of the identified critical hiring need must be addressed simultaneously.

## USCG

DHA is critical tool for USCG to quickly hire the number of civilian criminal investigators, security specialists, intelligence operations specialists, civil engineers, architects and human resources specialists required to respond timely to the Executive Order, while continuing to address other existing and emerging priorities. Given the urgency of the Executive Order and the need to support the build-up efforts of ICE and CBP, it is impractical for USCG to rely solely on the current hiring authorities allowed. Using DHA to meet the critical hiring need is efficient, effective, and necessary in order to meet the desired objectives of immigration policies, and in the interest of national security. Although we will continue to fully utilize all available hiring authorities (such as transfer, reassignment, promotion, reinstatement, Schedule A, Schedule B, Veterans Recruitment Appointments (VRA), and Veterans Employment Opportunities Act (VEOA) appointments), the typical timelines associated with hiring and agile requirements of the identified critical hiring need must be addressed simultaneously.



The Component points of contact for this request are listed below.

CBP: (b) (6)  
FLET  
ICE:  
USCI  
USCC

I appreciate your thoughtful and expeditious consideration and approval of these.

Sincerely,

(b) (6)

Angela Bailey  
Chief Human Capital Officer



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

The Director

APR - 5 2017

Ms. Angela Bailey  
Chief Human Capital Officer  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Ms. Bailey:

This responds to your March 23, 2017, request for direct hire authority (DHA) for several components within the U.S. Department of Homeland Security (DHS). The U.S. Office of Personnel Management (OPM) is approving your request because two recent Executive Orders – titled: “Border Security and Immigration Enforcement Improvements,” and “Enhancing Public Safety in the Interior of the United States” – have created a critical hiring need at DHS. This authority will assist DHS to attempt to meet the presidential directives as to staffing in these Orders.

Your request meets the criteria under 5 CFR 337.205(b), for a critical hiring need, as explained below:

(1) *Identification of the position(s) that must be filled.* DHS has a critical need to fill thousands of positions in several components in various geographic locations in support of the President’s border security initiative as depicted below:

U.S. Customs and Border Patrol (CBP)

Position Title	Series	Grade Level(s)	Total Positions	Location(s)
Border Patrol Agent	1896	GS-5/7/9	(b) (7)(E)	(b) (6), (b) (7)(E)
Customs and Border Protection Officer	1895	GS-5/7/9		
Air Interdiction Agent	1881	GS-11/12/13		
Marine Interdiction Agent	1801	GS-9/11/12/13		

Ms. Angela Bailey

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Aviation Enforcement Agent	1801	GS-9/11/12	(b) (7)(E)	(b) (6), (b) (7)(E)
Human Resources Specialist	0201	GS-7/9/11/12/13		
Total:				

Federal Law Enforcement Training Centers

Position Title	Series	Grade Level(s)	Total Positions	Location(s)
Law Enforcement Specialist (Instructors)	1801	GS-12/13	(b) (7)(E)	(b) (6), (b) (7)(E)

U.S. Immigration and Customs Enforcement (ICE)

Position Title	Series	Grade Level(s)	Total Positions	Location(s)
Deportation Officer	1801	GS-5/7/9/11/12	(b) (7)(E)	(b) (6), (b) (7)(E)
Criminal Investigator	1811	GS-7/9/11/12/13		
Human Resources Specialist	0201	GS-7/9/11/12/13		
Personnel Security Specialist	0080	GS-7/9/11/12		
Total:				

Ms. Angela Bailey

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U.S. Citizenship and Immigration Services

Position Title	Series	Grade Level(s)	Total Positions	Location
Adjudication Officer	1801	GS-9/11/12/13/14	(b) (7)(E) al positions and grade specifics to be determined in alignment with CBP and ICE needs	(b) (6), (b) (7)(E)
Supervisory Adjudication Officer	1801	GS-14/15	" "	
Immigration Analyst (FDNS)	1801	GS-5/7/9	" "	
Immigration Officer (FDNS)	1801	GS-5/7/9/11/12/13/14	" "	
Supervisory Immigration Officer (FDNS)	1801	GS-14/15	" "	
Immigration Services Officer	1801	GS-5/7/9/11/12/13	" "	
Supervisory Immigration Services Officer	1801	GS-13/14/15	" "	
Asylum Officer	0930	GS-9/11/12/13/14	(b) (7)(E) tal positions and grade specifics to be determined in alignment with CBP and ICE needs	
Supervisory Asylum Officer	0930	GS-13/14/15	" "	
Human Resources Specialist	0201	GS-7/9/11/12/13	(b) (7)(E)	
Total:			(b) (7)(E)	

Ms. Angela Bailey

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U.S. Coast Guard

Position Title	Series	Grade Level(s)	Total Positions	Location(s)
Criminal Investigators	1811	GS-12/13	(b) (7) (E)	(b) (6), (b) (7)(E)
Security Specialists	0080	GS-12		
Intelligence Operations Specialists	0132	GS-13		
Human Resources Specialist	0201	GS-7/9/11/12/13		
Total:				

If, as you undertake the work required to satisfy your obligations under the Executive Orders referenced above, you establish a need for a DHA for additional positions not covered under this current authority, you may contact OPM to present DHS's case, and OPM will consider it.

(2) *Description of the event or circumstance that has created the need to fill the positions.* DHS is charged with carrying out one of the President's top Administration priorities, as described in in two EOs signed on January 25, 2017. These EOs are titled; "Border Security and Immigration Enforcement Improvements" and "Enhancing Public Safety in the Interior of the United States."

The EO titled "Border Security and Immigration Enforcement Improvements" directs:

- CBP to take appropriate action to hire 5,000 additional Border Patrol Agents (Sec. 8);
- The Secretary to take immediate action to plan, design, and construct a physical wall along the southern border (Sec. 4 (a));
- The Secretary to take immediate action to construct, operate, control (or contract to do these things) facilities to detain aliens at or near the land border with Mexico (Sec. 5); and
- The Secretary to take immediate action to assign asylum officers to immigration detention facilities (Sec. 5 (b)).

Ms. Angela Bailey

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The EO titled: "Enhancing Public Safety in the Interior of the United States" among other things directs ICE to hire 10,000 additional immigration officers in support of this Administration initiative.

This DHA is needed to help DHS conform to the requirements of this Presidential directive. The positions for which the DHA is granted will enhance DHS's ability to address these mandates either directly (e.g., the hiring of additional immigration officers) or indirectly (e.g., the hiring of additional human resources staff to facilitate the hiring of additional immigration officers).

(3) *Specification of the duration for which the critical hiring need is expected to exist.* OPM is approving this authority on the effective date of the approval for a period of 2 years from the date of approval for each DHS component.

(4) *Supporting evidence that demonstrates why the use of other hiring authorities is impracticable or ineffective.* The urgency and scope of DHS' hiring needs, as expressed by the President in his EOs, make the use of other hiring authorities impracticable as a means of recruiting the staff needed to conform to this Administration initiative on the scale directed.

**Based on the above, each DHS component-specific authority reads as follows:**

These authorities are based on a critical hiring need in support of a major Administration initiative, as implemented through two EOs issued on January 25, 2017, titled: "Border Security and Immigration Enforcement Improvements," and "Enhancing Public Safety in the Interior of the United States." These DHAs will assist DHS in the implementation of major requirements for increased border security, prevention of illegal immigration, repatriation of illegal aliens, and the construction of a physical wall along the southern U.S. border.

**DHS/CBP-001-** issued on the date of this letter, to fill mission critical positions at various grade levels as specified above a (b) (6)

(b) (6)

**DHS/OCHCO (FLETC)-002-** issued on the date of this letter, to fill mission critical positions at the GS-12 and 13 grade levels as specified above at the following geographic locations: (b) (6)

(b) (6)

(b) (6)

**DHS/ICE-003-** issued on the date of this letter, to fill mission critical positions at various grade levels specified above (b) (6)

(b) (6)

Ms. Angela Bailey

6

DHS/USCIS-004- issued on the date of this letter, to fill mission critical positions at various grade levels as specified above at location(s) to be determined in (b) (6)  
(b) (6)

DHS/USCG-005- issued on the date of this letter, to fill mission critical positions at the GS-7, GS-12 and 13 grade levels as specified above (b) (6)  
(b) (6)

### Using this DHA

DHS must identify and use the proper assessment tools for the positions being filled with this DHA to determine who is qualified for the approved positions. DHS should not conduct additional rating to determine relative degrees of qualifications when using this authority. In granting this authority, OPM expects all DHS components to assess applicants in the order in which the applications were received, and select any qualified applicant in that order.

DHS may give individuals appointed under this authority competitive service career, career-conditional, temporary and term appointments, as appropriate, without regard to provisions of 5 U.S.C. 3309-3318 or 5 CFR part 211 and part 337, subpart A.

These appointments are subject to public notice requirements in 5 U.S.C. 3327, 3330 and 5 CFR 330, subpart G, and requirements in 5 CFR 332.402. In addition, DHS must comply with all relevant laws unless DHS is exempt from such laws pursuant to 5 U.S.C. 3304(a)(3).

Qualified candidates with veterans' preference should be selected as they are found, just as any qualified non-preference eligible candidate would be. In making appointments using this authority, you are required to arrange for background investigations at the appropriate tier and to undertake all appropriate adjudications relating to suitability, eligibility for access to classified information or to be employed in a position that is otherwise national security sensitive, and eligibility for logical or physical access to Federal systems and facilities, just as for any other position.

DHS must use two authority codes when documenting personnel actions using the direct-hire authority. The first code "AYM" automatically fills in "Reg. 337.201" on the Notification of Personnel Action, Standard Form 50. The second authority code "BYO" identifies DHS's use of this agency-specific authority. Using these two authority codes will help OPM evaluate the use of these authorities without requiring agency reports.

On a periodic basis, OPM will review the use of this DHA to ensure it is being used properly and to determine if continued use is supportable. OPM will monitor DHS's use of this authority and may modify or terminate this authority as appropriate.

Ms. Angela Bailey

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**OPM Oversight**

This authority is intended to assist you with filling mission critical positions in direct support of implementing two EOs, "Border Security and Immigration Enforcement Improvements," and "Enhancing Public Safety in the Interior of the United States".

Sincerely,

(b) (6)

Kathleen M. McGettigan ✓  
Acting Director



## DHS DHA ROUND TWO

**Mahoney, Michael J**

---

**From:** (b) (6)  
**Sent:** Thursday, March 23, 2017 2:17 PM  
**To:** Jacobs, Karen R; Mahoney, Michael J  
**Subject:** RE: DHS-OPM Meeting - Status of DHA Request Letter

Ok, thank you

(b) (6)

---

**From:** Jacobs, Karen R  
**Sent:** Thursday, March 23, 2017 2:06 PM  
**To:** Mahoney, Michael J  
**Cc:** (b) (6)  
**Subject:** FW: DHS-OPM Meeting - Status of DHA Request Letter

These were the responses DHS sent in response to our round 2 comments.

---

**From:** Yandall, Gwen (b) (6)  
**Sent:** Wednesday, March 22, 2017 1:05 PM  
**To:** Reinhold, Mark D  
**Cc:** Bailey, Angela; Holden, Kimberly A.; Jacobs, Karen R; (b) (6) O'Donnell, Ruth  
**Subject:** FW: DHS-OPM Meeting - Status of DHA Request Letter

Mark,

Thank you for all the feedback on the DHA requests from DHS. However, here are our concerns:

(b) (5)



(b) (5)



My POC is (b) (6) and (b) (6) who have been cc'd on this message.

G.  
GWEN YANDALL  
Executive Director  
Human Capital Policy and Programs  
Department of Homeland Security

(b) (6)



To make an appointment, please email or call (b) (6)



**Homeland  
Security**

*"With honor and integrity, we will safeguard the American people, our homeland, and our values."*

*Confidentiality Notice: This e-mail message, including any attachments, is intended only for the person(s) or entity(ies) to which it is addressed and contains information that may be confidential, legally protected, privacy relevant, proprietary in nature or otherwise protected by law from disclosure. If you received this message in error, you are hereby notified that reading, sharing, copying or distributing this message, or its contents, is prohibited. Please telephone or reply to me immediately and delete all copies of the message.*

**Feldman, Michael**

---

**From:** Mahoney, Michael J  
**Sent:** Tuesday, November 07, 2017 4:04 PM  
**To:** (b) (6)  
**Subject:** FW: DHS Second-Round DHA requests - Preliminary Review

---

**From:** Jacobs, Karen R  
**Sent:** Thursday, May 18, 2017 1:16 PM  
**To:** Mahoney, Michael J  
**Subject:** FW: DHS Second-Round DHA requests - Preliminary Review

Because I will be gone...

---

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2017 4:12 PM  
**To:** Jacobs, Karen R  
**Cc:** Holden, Kimberly A.  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

3<sup>rd</sup> of three requests

(b) (6)

---

**From:** Jacobs, Karen R (b) (6)  
**Sent:** Wednesday, May 17, 2017 4:05 PM  
**To:** (b) (6) (b) (6) (b) (6)  
**Cc:** Yandall, Gwen (b) (6); Holden, Kimberly A.  
(b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Hmmm...I received this e-mail but not a request. I check my spam each day and I didn't receive anything from you all last week.

P.S., Oh well...no more DHA for youuuuuu ☺.

---

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2017 3:57 PM  
**To:** Jacobs, Karen R  
**Cc:** Yandall, Gwen (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Thanks for letting us know, Karen. I just re-sent it to both you and Kim. Please let us know if you receive it. If you don't see it, is it possible it is being filtered directly to your spam folder for some reason?

(b) (6)

---

**From:** Jacobs, Karen R (b) (6)  
**Sent:** Wednesday, May 17, 2017 3:42 PM  
**To:** (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Hi (b) (6)

I did not receive this. Apparently, the people living in my computer have been misbehaving. This is the third message from an agency about an e-mail that I did not receive.

---

Karen Jacobs  
Senior Policy Advisor  
Recruitment and Hiring Policy  
Office of Personnel Management

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2017 1:41 PM  
**To:** Jacobs, Karen R  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Good afternoon, Karen:

Could you please let me know if you and Kim received this request last week? I can break it into three separate emails, if not.

Thanks very much,

(b) (6)

(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, May 11, 2017 8:23 AM  
**To:** Holden, Kimberly A. (b) (6); Jacobs, Karen R (b) (6)  
**Cc:** O'Donnell, Ruth (b) (6); (b) (6) Yandall, Gwen  
(b) (6)  
**Subject:** DHS Second-Round DHA requests - Preliminary Review

Hello Kim/Karen,

Please see attached preliminary requests for Direct Hire Authority for initial OPM review:

- Critical need DHA request for four DHS Components, supplemental to the DHA granted April 5, 2017
- Critical need DHA request for the U.S. Secret Service
- Severe shortage DHA request for the U.S. Customs and Border Protection agency (with three enclosures)

We request that you please perform an initial review at your earliest convenience and provide us with any necessary feedback. You may reach out to (b) (6) or myself with any questions/comments.

Thanks for your continued efforts in assisting DHS with these requests.

--

D

(b) (6)

Manager, Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ

(b) (6)



**Homeland  
Security**

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U.S. Department of Homeland Security  
Washington, DC 20528

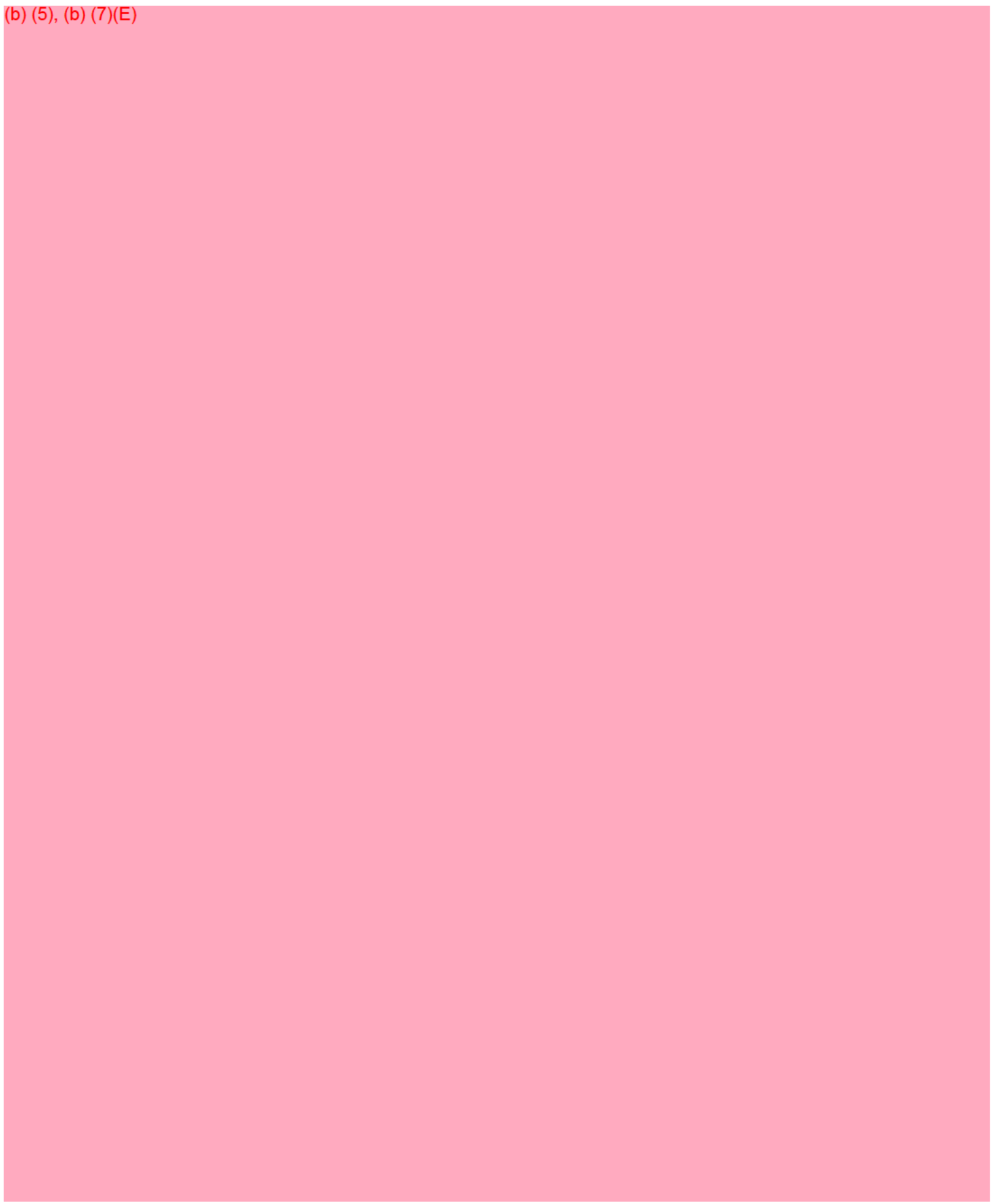


Homeland  
Security

The Honorable Kathleen McGettigan  
Acting Director  
U.S. Office of Personnel Management  
Attn: Request for Direct-Hire Authority  
1900 E Street, NW  
Washington, D.C. 20415-1000

(b) (5)

(b) (5), (b) (7)(E)





(b) (5)

(b) (5)




(b) (5)



(b) (5)



(b) (5), (b) (7)(E)



(b) (5)



(b) (5)



(b) (5)





# Enclosure 1: Public Law 114-4

PUBLIC LAW 114-4—MAR. 4, 2015

129 STAT. 41

## TITLE II

### SECURITY, ENFORCEMENT, AND INVESTIGATIONS

#### UNITED STATES CUSTOMS AND BORDER PROTECTION

##### SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$8,459,657,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$30,000,000 shall be available until September 30, 2016, solely for the purpose of hiring, training, and equipping United States Customs and Border Protection officers at ports of entry; of which not to exceed \$34,425 shall be for official reception and representation expenses; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2015, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That the Border Patrol shall maintain an active duty presence of not less than 21,370 full-time equivalent agents protecting the borders of the United States in the fiscal year.

##### AUTOMATION MODERNIZATION

For necessary expenses for United States Customs and Border Protection for operation and improvement of automated systems, including salaries and expenses, \$808,169,000; of which \$446,075,000 shall remain available until September 30, 2017; and of which not less than \$140,970,000 shall be for the development of the Automated Commercial Environment.

(b) (5)



[Redacted content]

(b) (5)

(b) (5)

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(b) (5)

A large rectangular area of the document is redacted with a solid black box.

(b) (5)

A large rectangular area of the document is redacted with a solid black box, covering the majority of the page content.

(b) (5)

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(b) (5)

(b)



(b) (5)

(b) (5)

(b) (5)

(b)

(b) (5)



**Mahoney, Michael J**

---

**From:** Jacobs, Karen R  
**Sent:** Thursday, May 18, 2017 8:18 AM  
**To:** (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Hi (b) (6)

Just as an FYI... I checked my spam this morning and I didn't have any messages from you.

Have a great day.

Karen

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2017 4:13 PM  
**To:** Jacobs, Karen R  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Did any of them make it through?

(b) (6)

**From:** Jacobs, Karen R (b) (6)  
**Sent:** Wednesday, May 17, 2017 4:05 PM  
**To:** (b) (6)  
**Cc:** Yandall, Gwen (b) (6) Holden, Kimberly A.  
(b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Hmmm...I received this e-mail but not a request. I check my spam each day and I didn't receive anything from you all last week.

P.S., Oh well...no more DHA for youuuuuu ☺.

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2017 3:57 PM  
**To:** Jacobs, Karen R  
**Cc:** Yandall, Gwen (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Thanks for letting us know, Karen. I just re-sent it to both you and Kim. Please let us know if you receive it. If you don't see it, is it possible it is being filtered directly to your spam folder for some reason?

(b) (6)

**From:** Jacobs, Karen R (b) (6)  
**Sent:** Wednesday, May 17, 2017 3:42 PM  
**To:** (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Hi (b) (6)

I did not receive this. Apparently, the people living in my computer have been misbehaving. This is the third message from an agency about an e-mail that I did not receive.

---

Karen Jacobs  
Senior Policy Advisor  
Recruitment and Hiring Policy  
Office of Personnel Management

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2017 1:41 PM  
**To:** Jacobs, Karen R  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Good afternoon, Karen:

Could you please let me know if you and Kim received this request last week? I can break it into three separate emails, if not.

Thanks very much,

(b) (6)

**From:** (b) (6)  
**Sent:** Thursday, May 11, 2017 8:23 AM  
**To:** Holden, Kimberly A (b) (6); Jacobs, Karen R (b) (6)  
**Cc:** O'Donnell, Ruth (b) (6); Yandall, Gwen  
(b) (6)  
**Subject:** DHS Second-Round DHA requests - Preliminary Review

Hello Kim/Karen,

Please see attached preliminary requests for Direct Hire Authority for initial OPM review:

- Critical need DHA request for four DHS Components, supplemental to the DHA granted April 5, 2017
- Critical need DHA request for the U.S. Secret Service
- Severe shortage DHA request for the U.S. Customs and Border Protection agency (with three enclosures)

We request that you please perform an initial review at your earliest convenience and provide us with any necessary feedback. You may reach out to (b) (6) or myself with any questions/comments.

Thanks for your continued efforts in assisting DHS with these requests.

--  
R,  
(b) (6)  
Manager, Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ  
(b) (6)



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**Feldman, Michael**

---

**From:** Mahoney, Michael J  
**Sent:** Tuesday, November 07, 2017 4:04 PM  
**To:** (b) (6)  
**Subject:** FW: DHS Second-Round DHA requests - Preliminary Review

---

**From:** Jacobs, Karen R  
**Sent:** Thursday, May 18, 2017 2:59 PM  
**To:** Mahoney, Michael J  
**Subject:** FW: DHS Second-Round DHA requests - Preliminary Review

Number 2.... There are 3 of these e-mails.

---

**From:** (b) (6)  
**Sent:** Thursday, May 18, 2017 2:29 PM  
**To:** Jacobs, Karen R; Holden, Kimberly A.  
**Subject:** FW: DHS Second-Round DHA requests - Preliminary Review

4<sup>th</sup> attempt for the supplemental request tied to the Executive Orders

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2017 4:11 PM  
**To:** 'Jacobs, Karen R' (b) (6)  
**Cc:** Holden, Kimberly A. (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

3<sup>rd</sup> attempt – only two requests attached

(b) (6)

---

**From:** Jacobs, Karen R (b) (6)  
**Sent:** Wednesday, May 17, 2017 4:05 PM  
**To:** (b) (6) (b) (6)  
**Cc:** Yandall, Gwen <(b) (6)>; Holden, Kimberly A.  
(b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Hmmm...I received this e-mail but not a request. I check my spam each day and I didn't receive anything from you all last week.

P.S., Oh well...no more DHA for youuuuuu ☺.

---

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2017 3:57 PM  
**To:** Jacobs, Karen R  
**Cc:** Yandall, Gwen; (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Thanks for letting us know, Karen. I just re-sent it to both you and Kim. Please let us know if you receive it. If you don't see it, is it possible it is being filtered directly to your spam folder for some reason?

(b) (6)

---

**From:** Jacobs, Karen R (b) (6)  
**Sent:** Wednesday, May 17, 2017 3:42 PM  
**To:** (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Hi (b) (6)

I did not receive this. Apparently, the people living in my computer have been misbehaving. This is the third message from an agency about an e-mail that I did not receive.

---

Karen Jacobs  
Senior Policy Advisor  
Recruitment and Hiring Policy  
Office of Personnel Management

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2017 1:41 PM  
**To:** Jacobs, Karen R  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Good afternoon, Karen:

Could you please let me know if you and Kim received this request last week? I can break it into three separate emails, if not.

Thanks very much,

(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, May 11, 2017 8:23 AM  
**To:** Holden, Kimberly A. (b) (6); Jacobs, Karen R (b) (6)



Cc: O'Donnell, Ruth (b) (6)

Yandall, Gwen

(b) (6)

**Subject:** DHS Second-Round DHA requests - Preliminary Review

Hello Kim/Karen,

Please see attached preliminary requests for Direct Hire Authority for initial OPM review:

- Critical need DHA request for four DHS Components, supplemental to the DHA granted April 5, 2017
- Critical need DHA request for the U.S. Secret Service
- Severe shortage DHA request for the U.S. Customs and Border Protection agency (with three enclosures)

We request that you please perform an initial review at your earliest convenience and provide us with any necessary feedback. You may reach out to (b) (6) myself with any questions/comments.

Thanks for your continued efforts in assisting DHS with these requests.

--

(b) (6)

Manager, Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ

(b) (6)



**Homeland  
Security**

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U.S. Department of Homeland Security  
Washington, DC 20528




Homeland  
Security

(b) (5)

A large, solid red rectangular area covering the majority of the page, indicating that the content has been redacted under FOIA exemption (b)(5).

(b) (5), (b) (7)(E)



(b) (5)



(b) (5)



(b) (5)

A large, solid red rectangular box covers the majority of the page, indicating that the content has been redacted. The box starts below the header and extends nearly to the bottom of the page, spanning almost the entire width.

(b) (5)



**Mahoney, Michael J**

---

**From:** Jacobs, Karen R  
**Sent:** Thursday, May 18, 2017 2:51 PM  
**To:** (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Got it.

---

**From:** (b) (6)  
**Sent:** Thursday, May 18, 2017 2:29 PM  
**To:** Jacobs, Karen R; Holden, Kimberly A.  
**Subject:** FW: DHS Second-Round DHA requests - Preliminary Review

4<sup>th</sup> attempt for the supplemental request tied to the Executive Orders

(b) (6)

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2017 4:11 PM  
**To:** 'Jacobs, Karen R' (b) (6)  
**Cc:** Holden, Kimberly  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

3<sup>rd</sup> attempt – only two requests attached

(b) (6)

**From:** Jacobs, Karen R (b) (6)  
**Sent:** Wednesday, May 17, 2017 4:05 PM  
**To:** (b) (6)  
**Cc:** Yandall, Gwen (b) (6) (b) (6) Holden, Kimberly A.  
(b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Hmmm...I received this e-mail but not a request. I check my spam each day and I didn't receive anything from you all last week.

P.S., Oh well...no more DHA for youuuuuu ☺.

---

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2017 3:57 PM  
**To:** Jacobs, Karen R  
**Cc:** Yandall, Gwen (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review



Thanks for letting us know, Karen. I just re-sent it to both you and Kim. Please let us know if you receive it. If you don't see it, is it possible it is being filtered directly to your spam folder for some reason?

(b) (6)

**From:** Jacobs, Karen R (b) (6)  
**Sent:** Wednesday, May 17, 2017 3:42 PM  
**To:** (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Hi (b) (6)

I did not receive this. Apparently, the people living in my computer have been misbehaving. This is the third message from an agency about an e-mail that I did not receive.

---

Karen Jacobs  
Senior Policy Advisor  
Recruitment and Hiring Policy  
Office of Personnel Management

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2017 1:41 PM  
**To:** Jacobs, Karen R  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Good afternoon, Karen:

Could you please let me know if you and Kim received this request last week? I can break it into three separate emails, if not.

Thanks very much,

(b) (6)

**From:** Williams, Mike  
**Sent:** Thursday, May 11, 2017 8:23 AM  
**To:** Holden, Kimberly A. (b) (6) Jacobs, Karen R <(b) (6)>  
**Cc:** O'Donnell, Ruth (b) (6) Yandall, Gwen  
(b) (6)  
**Subject:** DHS Second-Round DHA requests - Preliminary Review

Hello Kim/Karen,

Please see attached preliminary requests for Direct Hire Authority for initial OPM review:

- Critical need DHA request for four DHS Components, supplemental to the DHA granted April 5, 2017

- Critical need DHA request for the U.S. Secret Service
- Severe shortage DHA request for the U.S. Customs and Border Protection agency (with three enclosures)

We request that you please perform an initial review at your earliest convenience and provide us with any necessary feedback. You may reach out to (b) (6) or myself with any questions/comments.

Thanks for your continued efforts in assisting DHS with these requests.

--  
R.

(b) (6)

Manager, Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ



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**Mahoney, Michael J**

---

**From:** Jacobs, Karen R  
**Sent:** Thursday, May 18, 2017 1:16 PM  
**To:** (b) (6)  
**Subject:** RE: voice mail...

Hmmm... She was going to reach out to you. I told her (b) (6) was out because I received his "out of office" message.

P.S., I received the CBP -- severe shortage documents.

---

**From:** (b) (6)  
**Sent:** Thursday, May 18, 2017 12:13 PM  
**To:** Jacobs, Karen R  
**Subject:** RE: voice mail...

Hi Karen,

I haven't heard anything from Kim. She may have left a voice mail or sent an email to (b) (6) but he was out of the office yesterday and again today.

Any update you or (b) (6) could provide would be greatly appreciated!

Also, which DHA proposals did you actually receive, so I know which ones to re-label and send again?

Thanks!

(b) (6)

---

**From:** Jacobs, Karen R (b) (6)  
**Sent:** Thursday, May 18, 2017 11:51 AM  
**To:** (b) (6)  
**Subject:** voice mail...

(b) (6)

Just heard your message. Does this mean Kim didn't call or e-mail you yesterday??? I spoke to her after our conversation and she told me she'd get back to you with the status.

**Mahoney, Michael J**

---

**From:** Jacobs, Karen R  
**Sent:** Wednesday, May 17, 2017 3:42 PM  
**To:** (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

(b) (6)

I did not receive this. Apparently, the people living in my computer have been misbehaving. This is the third message from an agency about an e-mail that I did not receive.

---

Karen Jacobs  
Senior Policy Advisor  
Recruitment and Hiring Policy  
Office of Personnel Management

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2017 1:41 PM  
**To:** Jacobs, Karen R  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Good afternoon, Karen:

Could you please let me know if you and Kim received this request last week? I can break it into three separate emails, if not.

Thanks very much,

(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, May 11, 2017 8:23 AM  
**To:** Holden, Kimberly A. (b) (6); Jacobs, Karen R (b) (6)  
**Cc:** O'Donnell, Ruth (b) (6); Randall, Gwen (b) (6)  
**Subject:** DHS Second-Round DHA requests - Preliminary Review

Hello Kim/Karen,

Please see attached preliminary requests for Direct Hire Authority for initial OPM review:

- Critical need DHA request for four DHS Components, supplemental to the DHA granted April 5, 2017
- Critical need DHA request for the U.S. Secret Service
- Severe shortage DHA request for the U.S. Customs and Border Protection agency (with three enclosures)

We request that you please perform an initial review at your earliest convenience and provide us with any necessary feedback. You may reach out to (b) (6) or myself with any questions/comments.

Thanks for your continued efforts in assisting DHS with these requests.

--  
(b) (6)

Manager, Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ  
(b) (6)



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**Mahoney, Michael J**

---

**From:** Jacobs, Karen R  
**Sent:** Friday, May 19, 2017 4:54 PM  
**To:** (b) (6)  
**Subject:** Re: DHS Second-Round DHA requests - Preliminary Review

Happy Friday to you, too, (b) (6)

No, the file didn't make it :-(

Sent from my iPad

On May 19, 2017, at 1:04 PM, (b) (6) wrote:

Hi Karen, happy Friday! I just sent the DHA request for Secret Service again. Did it make it through this time?

Thanks,

(b) (6)

**From:** Jacobs, Karen R [ (b) (6) ]  
**Sent:** Thursday, May 18, 2017 3:27 PM  
**To:** (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

OK ☺; Thank you.

P.S., I am not back in the office until next Wednesday but I will have my iPad et al and will be able to receive the documents.

---

**From:** (b) (6)  
**Sent:** Thursday, May 18, 2017 3:20 PM  
**To:** Jacobs, Karen R  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Maybe the computer gurus only allow me to send one attachment-ed email to you a day ... think I'll wrestle with it tomorrow morning ...

Have a nice evening, Karen ☺ Thanks again for all of your help ... and patience!

(b) (6)

**Mahoney, Michael J**

---

**From:** Jacobs, Karen R  
**Sent:** Wednesday, May 24, 2017 1:42 PM  
**To:** (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

(b) (6)

Success! I have the fax ☺

---

Karen Jacobs  
Employee Services  
Office of Personnel Management

(b) (6)

---

**From:** (b) (6)  
**Sent:** Tuesday, May 23, 2017 4:58 PM  
**To:** Jacobs, Karen R  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

All right, I give up. I just tried to fax it to you, but got a message that the number had been forwarded? Is your fax number (b) (6)

(b) (6)

Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ

(b) (6)



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"With honor and integrity, we will safeguard the American people, our homeland, and our values."

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**From:** Jacobs, Karen R (b) (6)  
**Sent:** Tuesday, May 23, 2017 1:55 PM  
**To:** (b) (6)  
**Subject:** Re: DHS Second-Round DHA requests - Preliminary Review

**Mahoney, Michael J**

---

**From:** Jacobs, Karen R  
**Sent:** Wednesday, May 24, 2017 8:31 AM  
**To:** (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Good Morning, (b) (6)

The fax machine is working; I just tested it. However, the fax number is actually (b) (6) (I corrected my signature block ☺)

---

Karen Jacobs  
Employee Services  
Office of Personnel Management

(b) (6)

---

**From:** (b) (6)  
**Sent:** Tuesday, May 23, 2017 4:58 PM  
**To:** Jacobs, Karen R  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

All right, I give up. I just tried to fax it to you, but got a message that the number had been forwarded? Is your fax number (b) (6)

(b) (6)  
Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ  
(b) (6)



Homeland  
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**From:** Jacobs, Karen R (b) (6)  
**Sent:** Tuesday, May 23, 2017 1:55 PM  
**To:** (b) (6)  
**Subject:** Re: DHS Second-Round DHA requests - Preliminary Review



Jacobs, Karen R

---

**From:** Jacobs, Karen R  
**Sent:** Wednesday, May 24, 2017 1:42 PM  
**To:** (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

(b) (6)

Success! I have the fax ☺

---

Karen Jacobs  
Employee Services  
Office of Personnel Management

(b) (6)

---

**From:** (b) (6)  
**Sent:** Tuesday, May 23, 2017 4:58 PM  
**To:** Jacobs, Karen R  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

All right, I give up. I just tried to fax it to you, but got a message that the number had been forwarded? Is your fax number (b) (6)

(b) (6)

Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ

(b) (6)



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**From:** Jacobs, Karen R (b) (6)  
**Sent:** Tuesday, May 23, 2017 1:55 PM  
**To:** (b) (6)  
**Subject:** Re: DHS Second-Round DHA requests - Preliminary Review

Hi (b) (6)

Noooo...☹

Sent from my iPad

On May 23, 2017, at 1:33 PM, (b) (6) wrote:

Hi Karen,

I just sent it again ... any luck this time?

Thanks,

(b) (6)

**From:** Jacobs, Karen R (b) (6)  
**Sent:** Friday, May 19, 2017 4:54 PM  
**To:** (b) (6)  
**Subject:** Re: DHS Second-Round DHA requests - Preliminary Review

Happy Friday to you, too (b) (6)

No, the file didn't make it :-(

Sent from my iPad

On May 19, 2017, at 1:04 PM, (b) (6) wrote:

Hi Karen, happy Friday! I just sent the DHA request for Secret Service again. Did it make it through this time?

Thanks,

(b) (6)

**From:** Jacobs, Karen (b) (6)  
**Sent:** Thursday, May 18, 2017 4:47 PM  
**To:** (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

OK ☺ Thank you.

P.S., I am not back in the office until next Wednesday but I will have my iPad et al and will be able to receive the documents.

**From:** (b) (6)  
**Sent:** Thursday, May 18, 2017 3:20 PM  
**To:** Jacobs, Karen R  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Maybe the computer gurus only allow me to send one attachment-ed email to you a day ... think I'll wrestle with it tomorrow morning ...

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(b) (6)

**From:** Jacobs, Karen R (b) (6)  
**Sent:** Thursday, May 18, 2017 3:11 PM  
**To:** (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Noooooo.....-(

**From:** (b) (6)  
**Sent:** Thursday, May 18, 2017 3:09 PM  
**To:** Jacobs, Karen R  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Excellent!! And the one from Secret Service, too?

(b) (6)

**From:** Jacobs, Karen R (b) (6)  
**Sent:** Thursday, May 18, 2017 2:51 PM  
**To:** (b) (6)  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Got it.

**From:** (b) (6)  
**Sent:** Thursday, May 18, 2017 2:29 PM  
**To:** Jacobs, Karen R; Holden, Kimberly A.  
**Subject:** FW: DHS Second-Round DHA requests - Preliminary Review

4<sup>th</sup> attempt for the supplemental request tied to the Executive Orders

(b) (6)

(b) (6)  
From: [REDACTED]  
Sent: Wednesday, May 17, 2017 4:11 PM  
To: 'Jacobs, Karen R' (b) (6)  
Cc: Holden, Kimberly [REDACTED]  
Subject: RE: DHS Second-Round DHA requests - Preliminary Review

3<sup>rd</sup> attempt – only two requests attached

(b) (6)

From: Jacobs, Karen R (b) (6)  
Sent: Wednesday, May 17, 2017 4:05 PM  
To: (b) (6)  
Cc: Yandall, Gwen (b) (6); (b) (6)  
(b) (6) Holden, Kimberly A (b) (6)  
Subject: RE: DHS Second-Round DHA requests - Preliminary Review

Hmmm...I received this e-mail but not a request. I check my spam each day and I didn't receive anything from you all last week.

P.S., Oh well...no more DHA for youuuuuu ☺.

From: (b) (6)  
Sent: Wednesday, May 17, 2017 3:57 PM  
To: Jacobs, Karen R (b) (6)  
Cc: Yandall, Gwen; [REDACTED]  
Subject: RE: DHS Second-Round DHA requests - Preliminary Review

Thanks for letting us know, Karen. I just re-sent it to both you and Kim. Please let us know if you receive it. If you don't see it, is it possible it is being filtered directly to your spam folder for some reason?

(b) (6)

From: Jacobs, Karen R (b) (6)  
Sent: Wednesday, May 17, 2017 3:42 PM  
To: (b) (6)  
Subject: RE: DHS Second-Round DHA requests - Preliminary Review

Hi (b) (6)

I did not receive this. Apparently, the people living in my computer have been misbehaving. This is the third message from an agency about an e-mail that I did not receive.

(b) (6)

**From:** (b) (6)  
**Sent:** Wednesday, May 17, 2017 1:41 PM  
**To:** Jacobs, Karen R  
**Subject:** RE: DHS Second-Round DHA requests - Preliminary Review

Good afternoon, Karen:

Could you please let me know if you and Kim received this request last week? I can break it into three separate emails, if not.

Thanks very much,

(b) (6)

**From:** (b) (6)  
**Sent:** Thursday, May 11, 2017 8:23 AM  
**To:** Holden, Kimberly A (b) (6); Jacobs, Karen R  
**Cc:** O'Donnell, Ruth (b) (6); Randall, Gwen S  
**Subject:** DHS Second-Round DHA requests - Preliminary Review

Hello Kim/Karen,

Please see attached preliminary requests for Direct Hire Authority for initial OPM review:

- Critical need DHA request for four DHS Components, supplemental to the DHA granted April 5, 2017
- Critical need DHA request for the U.S. Secret Service
- Severe shortage DHA request for the U.S. Customs and Border Protection agency (with three enclosures)

We request that you please perform an initial review at your earliest convenience and provide us with any necessary feedback. You may reach out to (b) (6) myself with any questions/comments.

Thanks for your continued efforts in assisting DHS with these requests.

(b) (6)

Manager, Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ

(b) (6)

(b) (6)

<image001.png>

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**Mahoney, Michael J**

---

**From:** Mahoney, Michael J  
**Sent:** Wednesday, July 19, 2017 1:57 PM  
**To:** (b) (6); Holden, Kimberly A.  
**Cc:** (b) (6)  
**Subject:** RE: DHS Follow up re supplemental DHA requests

Thanks (b) (6)

We're struggling with the CBP request...

(b) (5), (b) (7)(E)

- (b) (5), (b) (7)(E)
- 
- 
- 
- 

-mike

---

**From:** (b) (6)  
**Sent:** Wednesday, July 19, 2017 1:25 PM  
**To:** (b) (6); Holden, Kimberly A.; Mahoney, Michael J  
**Cc:** (b) (6)  
**Subject:** DHS Follow up re supplemental DHA requests

Kim/Mike,

DHS is in the process of strengthening our multi-Component DHA request, and should have that to you for preliminary review by the end of the month.

Could you please advise on (b) (5)  
(b) (5)

Thank you.

(b) (6)

**From:** Mahoney, Michael J (b) (6)  
**Sent:** Thursday, July 6, 2017 1:07 PM  
**To:** (b) (6)  
**Cc:** (b) (6); Yandall, Gwen (b) (6)  
**Subject:** RE: Follow up re meeting to discuss DHA requests

We'll be in touch soon...

And DHS agreed to refine/provide additional justification for each of the positions in the multi-component request.

---

**From:** (b) (6)  
**Sent:** Thursday, July 06, 2017 12:40 PM  
**To:** Mahoney, Michael J  
**Cc:** (b) (6); Yandall, Gwen  
**Subject:** Follow up re meeting to discuss DHA requests

Hi Mike,

When we met on June 22 re DHS' DHA requests, you and your team offered to assist us in refining two of them:

- (b) (5)
- 

Any feedback you could provide would be extremely helpful, and very much appreciated.

V/r,  
Nancy

(b) (6)

**From:** Mahoney, Michael J (b) (6)  
**Sent:** Wednesday, June 21, 2017 9:10 AM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** Re: Meeting to discuss DHA requests

Multiple...

Sent from my iPhone

On Jun 21, 2017, at 8:52 AM, (b) (6) wrote:

Mike M., can you confirm if this meeting is in regards to a particular component's request (ex. USSS) or is it involving multiple components. If it's just one component, we may want them on the call as well.

--  
(b) (6)



**From:** Mahoney, Michael J. (b) (6)  
**Sent:** Tuesday, June 20, 2017 1:15 PM  
**To:** Holden, Kimberly A. (b) (6)  
**Cc:** Edwards, Roland (b) (6); Yandall, Gwen (b) (6); O'Donnell, (b) (6)  
**Subject:** RE: Meeting to discuss DHA requests

I can be available Thursday...

---

**From:** Holden, Kimberly A.  
**Sent:** Tuesday, June 20, 2017 12:47 PM  
**To:** (b) (6)  
**Cc:** Edwards, Roland; (b) (6); (b) (6); Mahoney, Michael J; Yandall, Gwen; O'Donnell, Ruth  
**Subject:** Re: Meeting to discuss DHA requests

(b) (6) let me confirm Thursday. I will be in a coop exercise and I believe Mike Mahoney is on leave.

Kimberly A, Holden  
Deputy Associate Director, Recruitment and Hiring  
Office of Personnel Management  
(b) (6)

On Jun 20, 2017, at 12:33 PM (b) (6)  
wrote:

<image001.gif>

Hello Kim, we have availability to discuss DHA on Thurs, 6/22/17, at 11:30 am or 1:00 pm. Please include all on this email on the invite with Roland as optional.

Thanks

--

R,  
(b) (6)  
Manager, Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ  
(b) (6)

<image002.png>

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From: (b) (6)

Sent: Tuesday, June 20, 2017 11:36 AM

To: Holden, Kimberly A. <(b) (6)>

(b) (6)

Cc: (b) (6)

Mahoney, Michael J

(b) (6)

; Yandall, Gwen <(b) (6)>

(b) (6)

(b) (6)

**Subject:** RE: Meeting to discuss DHA requests

Copying a few folks from this side as well. Thanks

Roland Edwards  
Deputy Chief Human Capital Officer  
Office of the Chief Human Capital Officer

(b) (6)

---

**From:** Holden, Kimberly A.

**Sent:** Tuesday, June 20, 2017 11:22:07 AM

**To:** (b) (6) Edwards, Roland

**Cc:** Mahoney, Michael J

**Subject:** Meeting to discuss DHA requests

<image001.gif>

(b) (6) and Roland,

We would like to meet and discuss the DHA requests. Can you let me know if your team is available to meet at the following times?

6/21 – 9:00

6/21 – 10:00

6/21 – 11:00

6/21 – 1:00

*Kimberly A. Holden  
Deputy Associate Director Recruitment and Hiring  
Office of Personnel Management  
Employee Services  
1900 E Street, N.W. 6500AJ  
Washington, DC 20415*

(b) (6)

## Mahoney, Michael J

---

**From:** Mahoney, Michael J  
**Sent:** Thursday, October 19, 2017 3:23 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** RE: DHS Supplemental DHA Request Linked to Buildup EOs - Request for Review of Revisions

**Importance:** High

(b) (6)

(b) (5)

As was the case with the previous approval , we cannot approve for longer than President's first term. This approval will likely be for 2 years (similar to the previous)

(b) (5)

I'd be happy to discuss over the phone if you'd like...Let me know

-mike

**From:** (b) (6)  
**Sent:** Tuesday, August 29, 2017 2:25 PM

To: Holden, Kimberly A.; Jacobs, Karen R

Cc: (b) (6)

**Subject:** DHS Supplemental DHA Request Linked to Buildup EOs - Request for Review of Revisions

Hello Kim/Karen,

Please see the attached revised "2<sup>nd</sup> round" request for Direct Hire Authority for initial OPM review. This request is based upon a critical need for candidates by four Components, due to the border security and immigration enforcement Executive Orders that were signed on January 25, 2017.

Edits to the original supplemental request are identified in red font, and were made in response to the feedback OPM provided to DHS in our joint meeting on June 22, 2017. We ask that you please perform an initial review of this revised request at your earliest convenience, and provide us with any necessary feedback. Please contact me if you have questions about the request or attachments.

Thank you for your continued efforts in assisting DHS with these requests. Due to reported email delivery issues, please confirm receipt of this request and attachments.

V/r,

(b) (6)

(b) (6)

Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ  
Des (b) (6)  
Mo (b) (6)



**Homeland  
Security**

"With honor and integrity, we will safeguard the American people, our homeland, and our values."

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**Mahoney, Michael J**

---

**From:** (b) (6)  
**Sent:** Friday, November 03, 2017 8:30 AM  
**To:** Mahoney, Michael J  
**Cc:** (b) (6)  
**Subject:** FW: ICE training specialists - 2nd round DHA

(b) (6) please see response below after coordinating w/ ICE:

As a result of the Executive Order to hire 10,000 law enforcement officers, (b) (5)  
(b) (5)

Currently, ICE does not provide supervisory training to non-supervisors. Therefore, it is absolutely critical that new supervisors receive basic supervisory training (SLT) as soon as they enter on duty in order to effectively supervise and lead employees and learn the basic skills expected of a first line supervisor. After one year in a supervisory position, employees must also attend advanced supervisory training (ASLT) at which the basics of leadership are taught. The basic and advanced supervisory training sessions are mandatory according to ICE policy and are crucial to be a successful leader.

In order to elevate the importance of leader effectiveness across DHS as a strategic investment in mission execution, DHS established a Leader Development Program (LDP). The purpose of the program is to ensure all DHS Components collaborate to support a consistent investment in the development of every leader across the Department. The program framework identified five levels of DHS leaders – Team Member, Team Lead, Supervisor, Manager and Executive and contains roadmaps for required and best-practice developmental activities at each level. In most cases, the LDP sets baseline requirements, outlining minimum standards for developmental activities that Components must meet or may exceed. The Department has stated the LDP is a key strategy for DHS in executing mission as investing in effective leaders and an engaged workforce who are proficient, committed and capable is the single most important asset that DHS offers to the nation. This, coupled with the Department designating FY18 as the Year of Leadership, highlights the importance of properly developing and training the workforce, particularly those in supervisory and leadership roles.

In a recent report, the Office of the Inspector General labeled ICE "At Risk" for its leadership development initiatives. It was recognized a lack of sufficient resources contributed to this designation and ICE was encouraged to evaluate its leadership program and resources. (b) (5)

(b) (5)

---

**From:** Mahoney, Michael J  
**Sent:** Friday, October 27, 2017 2:47:56 PM  
**To:** (b) (6)

(b) (6)

Cc:

**Subject:** Re: ICE training specialists - 2nd round DHA

(b) (5)

Sent from my iPhone

On Oct 27, 2017, at 2:36 PM (b) (6) wrote:

(b) (5)

(b) (6)

**From:** Mahoney, Michael (b) (6)

**Sent:** Thursday, October 26, 2017 4:17 PM

**To:** (b) (6)

**Cc:**

**Subject:** RE: ICE training specialists - 2nd round DHA

(b) (5)

-mike

**From:** (b) (6)

**Sent:** Tuesday, October 24, 2017 9:46 AM

**To:** Mahoney, Michael J

**Cc:** (b) (6)

**Subject:** ICE training specialists - 2nd round DHA

(b) (5)

(b) (5)



Please let us know, so that we can properly prepare the formal request.

Thanks

(b) (6)



**From:** Mahoney, Michael (b) (6)  
**Sent:** Thursday, October 19, 2017 3:23 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** RE: DHS Supplemental DHA Request Linked to Buildup EOs - Request for Review of Revisions  
**Importance:** High

(b) (6)



(b) (5)



(b) (5)

As was the case with the previous approval, we cannot approve for longer than President's first term. This approval will likely be for 2 years (similar to the previous)

(b) (5)

I'd be happy to discuss over the phone if you'd like...Let me know

-mike

**From:** (b) (6)  
**Sent:** Tuesday, August 29, 2017 2:25 PM  
**To:** Holden, Kimberly A.; Jacobs, Karen R  
**Cc:** (b) (6)  
**Subject:** DHS Supplemental DHA Request Linked to Buildup EOs - Request for Review of Revisions

Hello Kim/Karen,

Please see the attached revised "2<sup>nd</sup> round" request for Direct Hire Authority for initial OPM review. This request is based upon a critical need for candidates by four Components, due to the border security and immigration enforcement Executive Orders that were signed on January 25, 2017.

Edits to the original supplemental request are identified in red font, and were made in response to the feedback OPM provided to DHS in our joint meeting on June 22, 2017. We ask that you please perform an initial review of this revised request at your earliest convenience, and provide us with any necessary feedback. Please contact me if you have questions about the request or attachments.

Thank you for your continued efforts in assisting DHS with these requests. Due to reported email delivery issues, please confirm receipt of this request and attachments.

v/r  
(b) (6)

(b) (6)

Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ

(b) (6)

<image001.png>

"With honor and integrity, we will safeguard the American people, our homeland, and our values."

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*copying or distributing this message, or its contents, is prohibited. Please telephone or reply to me immediately and delete all copies of the message.*

## Mahoney, Michael J

---

**From:** (b) (6)  
**Sent:** Friday, October 27, 2017 2:36 PM  
**To:** Mahoney, Michael J  
**Cc:** (b) (6)  
**Subject:** RE: ICE training specialists - 2nd round DHA

According to ICE, these positions differ from the FLETC staff, as these are needed in support of the leadership development of Homeland Security Investigations (HSI) and Enforcement and Removal Operations (ERO) agents/officers. In other words, the FLETC staff train the entry level/new agents and these ICE Training Specialists train LEO supervisors and managers to prepare for the surge of subordinate LEO staff resulting from the EO mandates.

(b) (6)

(b) (6)  
**From:** Mahoney, Michael J  
**Sent:** Thursday, October 26, 2017 4:17 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** RE: ICE training specialists - 2nd round DHA

(b) (5)

(b) (5)

-mike

**From:** (b) (6)  
**Sent:** Tuesday, October 24, 2017 9:46 AM  
**To:** Mahoney, Michael J  
**Cc:** (b) (6)  
**Subject:** ICE training specialists - 2nd round DHA

(b) (5)

# DUAL COMPENSATION WAIVERS



Homeland  
Security

MAY 02 2017

The Honorable Kathleen McGettigan  
Acting Director  
Office of Personnel Management  
1900 E Street, NW  
Washington, D.C. 20415-1000

Dear Acting Director McGettigan:

The Department of Homeland Security (DHS) requests that the Office of Personnel Management (OPM) delegate the authority to approve reemployment without reduction or termination of annuity in emergencies or other unusual circumstances in accordance with the criteria in 5 Code of Federal Regulations 553.202 – “Request for delegation of authority to approve reemployment without reduction or termination of annuity in emergencies or other unusual circumstances.” The circumstances DHS is responding to are the mandates required by Executive Order, which is consistent with OPM’s definition of “other unusual circumstances.”

***1. Description of the situation(s) for which the authority is requested***

This dual compensation waiver request is driven by Executive Order: *Border Security and Immigration Enforcement Improvements* and Executive Order: *Enhancing Public Safety in the Interior of the United States*, both issued on January 25, 2017. The stated purpose of Executive Order: *Border Security and Immigration Enforcement Improvements* is to direct executive departments and agencies to deploy all lawful means to secure the Nation’s Southern Border, to prevent further illegal immigration into the United States and to repatriate illegal aliens swiftly, consistently and humanely. The Order mandates DHS to:

- Hire 5,000 additional Border Patrol agents...as soon as is practicable;
- Immediately construct, operate, control...facilities to detain aliens at or near the land border with Mexico;
- Immediately assign asylum officers to immigration detention facilities;
- Ensure the detention of aliens apprehended for violations of immigration law;
- Issue new policy guidance...regarding the appropriate and consistent use of lawful detention authority;
- Ensure that aliens...are returned; and
- Require that all personnel are properly trained.

Executive Order: *Enhancing Public Safety in the Interior of the United State* directs agencies to employ all lawful means to enforce the immigration laws of the United States, and directs the Secretary DHS to:

- Hire 10,000 additional immigration officers, who shall complete relevant training and be authorized to perform the law enforcement functions;

- Establish an office within ICE to provide services to victims;
- Prioritize removal of aliens; and
- Ensure the assessment and collection of fines and penalties.

The reappointment of experienced operational and support staff will have a significant and positive impact on the Department's ability to quickly meet the requirements of the Executive Orders.

**2. Identification of the occupations, grades, and locations of positions that might be filled under this delegated authority**

DHS anticipates filling 1,618 positions under this delegated authority in multiple components across DHS including: U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), U.S. Coast Guard (USCG), Federal Law Enforcement Training Center (FLETC), U.S. Immigration and Customs Enforcement (ICE) and U.S. Secret Service (USSS) as identified in the attached. OPM's approval of this delegated dual compensation waiver request will provide DHS the needed flexibility to reappoint experienced annuitants to meet the requirements of the Executive Orders and keep operational employees focused on mission critical responsibilities.

**3. Statement of expected duration**

DHS requests this delegation of authority for a period of four years in order to achieve the hiring mandate. DHS expects each reappointment made to not exceed two years.

The component points of contact follow:

CBP: (b) (6)  
 FLETC: (b) (6)  
 USCG: (b) (6)  
 USCIS: (b) (6)  
 ICE: (b) (6)  
 USSS: (b) (6)

I appreciate your thoughtful and expeditious consideration and approval of this request.

Sincerely,

(b) (6)

Angela Bailey  
Chief Human Capital Officer

Attachment

## Component Requested Positions

CBP Positions	Series	Grade Levels	Estimated Number of Reemployed Annuitants	Locations
Training Specialist Training Specialist (Firearms)	GS-1712	13/14/15	(b) (7)(E)	(b) (6), (b) (7) (E)
General Inspection, Investigation, and Compliance positions, such as: <ul style="list-style-type: none"> <li>Supervisory Investigative Program Specialist (polygraph examiner)</li> <li>Investigative Program Specialist (polygraph examiner)</li> <li>Law Enforcement Instructor</li> </ul> <i>(non-law enforcement covered positions only)</i>	GS-1801	13/14/15		
Personnel Security Specialist Security Specialist Senior Security Specialist Supervisory Security Specialist	GS-0080	12/13/14/15		
Instructional Systems Specialist Supervisory Instructional Systems Specialist	GS-1750	12/13/14		
Human Resources Specialist	GS-0201	12/13/14/15		
General Attorney Senior Attorney	GS-0905	14/15		
Financial Program Specialist Financial Systems Specialist	GS-0501	12/13/14		
Accountant Staff Accountant	GS-0510	12/13/14		
Budget Analyst	GS-0560	12/13/14		
Contract Specialist Procurement Analyst	GS-1102	12/13/14		
Information Technology Specialist	GS-2210	12/13/14/15	(b) (7)(E)	
Mission Support Specialist	GS-301	11/12/13		
<b>TOTAL</b>				

## Component Requested Positions

USCIS Positions	Series	Grade Levels	Estimated Number of Reemployed Annuitants
Asylum Officer	GS -0930	12/14	(b) (7)(E)
Supervisory Asylum Officer	GS-0930	13/15	
Adjudication Officer	GS-1801	12/14	
Supervisory Adjudication Officer	GS-1801	14/15	
Supervisory Immigration Officer (FDNS)	GS-1801	14/15	
Immigration Services Officer	GS-1801	12/13	
Supervisory Immigration Services Officer	GS-1801	13/15	
Investigative Specialist	GS-1801	13/15	
Supervisory Investigative Specialist	GS-1801	14/15	
Refugee Officer	GS-1801	12/14	
Supervisory Refugee Officer	GS-1801	13/15	
<b>TOTAL</b>			

*Locations to be determined in alignment with CBP and ICE requirements.*

## Component Requested Positions

USCG Positions	Series	Grade Levels	Estimated Number of Reemployed Annuitants	Locations
Security Specialists	GS-0080	12	(b) (7) (E)	(b) (7)(E), (b) (6)
IT Specialists (Info Sec)/Lead IT Specialists	GS-2210	12-14		
Intelligence Operations Specialists	GS-0132	13		
Civil Engineers	GS-810	12		
Human Resources Specialists	GS-201	13		
Clinical Nurse,	GS-610	9		
Visual Information Specialists	GS-1082	11		
Marketing Specialist	GS-301	12		
Advertising	GS-301	12		
Writer/Editors (Doctrine)	GS-1082	11		
Electronic Multi Media Specialists	GS-1001	11		
Training Specialists/Instructors	GS-1712	11/12		
Civil Engineers	GS-810	13		
Architects	GS-0808	12		
Employee Assistance/Program Coordinators	GS-101	12		
Sexual Assault Prevention	GS-101	12		
Family Resource Specialists	GS-101	11		
<b>TOTAL</b>				



## Component Requested Positions

FLETC Positions	Series	Grade Levels	Estimated Number of Reemployed Annuitants	Locations
Personnel Security Specialist	GS-0080	09/11	(b) (7) (E)	(b) (6), (b) (7)(E)
Security Specialist (Program Support)	GS-0080	09/11		
Human Resources Specialist (Recruitment and Placement)	GS-0201	12/13		
Management Analyst	GS-0343	09/11/12		
Accountant	GS-0510	11/13		
Budget Analyst	GS-0560	13		
Contract Compliance Specialist	GS-1101	11		
Contract Specialist	GS-1102	12/13		
Training Research Analyst	GS-1701	12		
Athletic Trainer	GS-1701	12		
IT Specialist (CUST SPT)	GS-2210	13		
IT Specialist (INFOSEC)	GS-2210	13		
IT Specialist (CUST SPT - NETWORK)	GS-2210	12		
IT Specialist (SYSADMIN)	GS-2210	11	(b) (7)(E)	
<b>TOTAL</b>				

## Component Requested Positions

ICE Positions	Series	Grade Levels	Estimated Number of Reemployed Annuitants	Locations
Deportation Officer (Secondary law enforcement covered positions) <sup>1</sup>	GS-1801	12/13/14	(b) (7)(E)	(b) (6), (b) (7)(E)
Detention and Deportation Officer (Secondary law enforcement covered positions) <sup>2</sup>	GS-1801	13/14/15		
Medical Officer (Pre-employment medicals exams are a pre-requisite and often require medical review)	GS-0602	15		
Enforcement Programs Manager (Analyzes plans and directs national law enforcement programs that impact multiple organizations)	GS-1801	15		
Management and Program Analyst <sup>3</sup>	GS-0343	12/13/14		
Mission Support Specialist	GS-0301	11/12/13		
Administrative Officer (Provide critical analysis and evaluation of ICE programs and operations)	GS-0341	14		
Criminal Investigator (Secondary law enforcement covered) <sup>4</sup>	GS-1811	13/14/15		
Supervisory Criminal Targeting Specialist (Oversee National Criminal and Targeting Center operations)	GS-1801	13		
Law Enforcement Specialist (Oversee Law Enforcement Support Center operations) <sup>5</sup>	GS-1801	11; 13		
Criminal Targeting Specialist (Analyzes fugitive alien and criminal population)	GS-1801	12	(b) (7)(E)	
Personnel Security Specialist	GS-0080	9-12		

<sup>1</sup> Includes parenthetical titles such as (Course Developer/Instructor), (Compliance Standards Officer), etc.

<sup>2</sup> Includes Supervisory Detention and Deportation Officer

<sup>3</sup> Includes parenthetical titles

<sup>4</sup> Includes Supervisory Criminal Investigator

<sup>5</sup> Includes Supervisory Law Enforcement Specialist

## Component Requested Positions

ICE Positions	Series	Grade Levels	Estimated Number of Reemployed Annuitants	Locations
Supervisory Intelligence Research Specialist (Supervises the collection, analysis, and sharing of timely and accurate intelligence on illicit trade, travel, and financial activity)	GS-0132	14/15	(b) (7)(E)	(b) (7)(E), (b) (6)
Training Specialist	GS-1712	12/13		
Supervisory Social Science Program Specialist (Liaisons with ICE, DHS, DOJ and other federal, state, local and non-governmental agencies regarding victim assistance and/or child victim cases)	GS-0101	13		
Deportation Liaison Officer	GS-1801	14		
ICE Tactical Officer (Image and process digital information, gather evidence) <sup>6</sup>	GS-1801	12/13		
Supervisory Intel Operations Specialist	GS-0131	15		
Technical Enforcement Officer	GS-1801	13		
Intelligence (Specialists, Watch & Reports Officers, Program Managers, Counterintelligence Operations)	GS-0132	11/12/13/14		
HR Specialist	GS-0201	12/13/14		
<b>TOTAL</b>				

<sup>6</sup> Includes Supervisory Tactical Officer

## Component Requested Positions

USSS Positions	Series	Grade Levels	Estimated Number of Reemployed Annuitants	Location
Physical Security Specialist	GS-0080	12	(b) (7)(E)	(b) (7)(E), (b) (6)
Protective Support Technician	GS-1802	7/8/9/10/11/12		
Law Enforcement Instructor	1801/1712	12		
Instructional Systems Specialist	1750	13		
Information Technology Specialist	2210	12/13/14/15		
Investigator	1801	13		
Special Officer	1802	9/10/11/12/13		
Polygraph Examining Investigator	1801	13		
Human Resources Specialist	0201	12/13/14/15		
Personnel Security Specialist	0080	12/13/14/15		
Recruitment Program Manager	0301	14		
Operations Research Analyst	1515	12/13/14/15		
Contract Specialist	1102	12/13/14		
Statistician	1530	12/13/14/15		
<b>TOTAL</b>				

MG



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

The Director

JUN 27 2017

Ms. Angela Bailey  
Chief Human Capital Officer  
U.S. Department of Homeland Security  
Office of the Chief Human Capital Officer  
245 Murray Lane, SW  
Washington, DC 20528

Dear Ms. Bailey:

The U.S. Office of Personnel Management (OPM) has approved your May 2, 2017, request on behalf of the U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), U.S. Coast Guard (USCG), Federal Law Enforcement Training Center (FLETC), U.S. Immigration and Customs Enforcement (ICE), and U.S. Secret Service (USSS) for a delegation of authority for dual compensation reduction (salary off-set) waiver under 5 CFR 553.202.

The enclosed delegated authority will enable CBP, USCIS, USCG, FLETC, ICE, and USSS to waive the salary off-set in order to reemploy up to a total of 1,618 annuitants across DHS components in various mission critical positions (see attached) at grade levels GS-7 through GS-15 located nationwide. This delegation of authority will assist DHS to respond to an unusual circumstance arising from the mandates of two Executive Orders (EO).

Though DHS requested this delegation until June 30, 2021, OPM is granting this dual compensation waiver delegation of authority until June 30, 2020. If necessary, DHS may request an extension of this delegation of authority if the same conditions exist beyond June 30, 2020.

The DHS request meets the criteria under 5 CFR 553.202, as follows:

1. *Description of the situation(s) for which the authority is requested.* DHS components are faced with an unusual circumstance resulting in the need to fill over one thousand positions in various geographic locations in support of the President's border security initiative. DHS is charged with carrying out one of the President's top Administration priorities, as described in two EOs signed on January 25, 2017. These EOs are titled: "*Border Security and Immigration Enforcement Improvements*" and "*Enhancing Public Safety in the Interior of the United States*." This unusual circumstance was brought about through the new mandates of the Executive Orders. The EO titled, "*Border Security and Immigration Enforcement Improvements*" among other things directs:

- The Secretary to take immediate action to plan, design, and construct a physical wall along the southern border and mandates DHS to hire 5,000 additional Border Patrol Agents immediately to include necessary support staff related to training and on-boarding;

- The Secretary to take immediate action to construct, operate, control (or contract to do these things) facilities to detain illegal immigrants at or near the land border with Mexico; and
- The Secretary to take immediate action to assign Asylum Officers to immigration detention facilities, to deploy all lawful means to secure the nation's southern border, to prevent further illegal immigration into the United States and to repatriate illegal aliens swiftly, consistently and humanely.

The EO titled, "Enhancing Public Safety in the Interior of the United States" directs ICE to employ all lawful means to enforce the immigration laws of the United States and to hire 10,000 additional immigration officers to include necessary support staff for training and on-boarding of employees.

This delegation of authority is needed to help DHS conform to the requirements of this Presidential directive. The positions for which this delegation of authority is granted will enhance DHS's ability to address these mandates.

This unusual circumstance could not be avoided due to the urgency and scope of DHS's hiring needs, as expressed by the President in his EOs. Due to the critical nature of the work, and unique qualifications required of the positions, and the small number of individuals available; there is a lack of qualified individuals available for these types of positions.

2. *Identification of the occupations, grades, and locations of positions that might be filled under this delegated authority.* This approval allows DHS to hire up to 1,618 annuitants in various positions (see enclosed) in grade levels GS-07 through 15 nationwide. Appointees will be hired under a temporary time-limited appointment.

3. *Statement of expected duration.* DHS anticipates the unusual circumstance will last no more than four years, through 2021. The delegation, however, is effective on the date DHS signs the attached delegation of authority and ends on June 30, 2020. This delegation also identifies the specific requirements and limitations related to this authority. In addition, you must maintain a record of each request and of the action taken for three years following the action date.

If you have any questions, please contact (b) (6) Human Resources Specialist at (b) (6) or by email at (b) (6)

Sincerely,

(b) (6)

Kathleen M. McGettigan  
Acting Director

Enclosures

CBP Positions	Series	Grade Levels	Estimated Number of Reemployed Annuitants	Locations
Training Specialist Training Specialist (Firearms)	GS-1712	13/14/15	(b) (7)(E)	(b) (6), (b) (7) (E)
General Inspection, Investigation, and Compliance positions, such as: <ul style="list-style-type: none"> <li>Supervisory Investigative Program Specialist (polygraph examiner)</li> <li>Investigative Program Specialist (polygraph examiner)</li> <li>Law Enforcement Instructor</li> </ul> <i>(non-law enforcement covered positions only)</i>	GS-1801	13/14/15		
Personnel Security Specialist Security Specialist Senior Security Specialist Supervisory Security Specialist	GS-0080	12/13/14/15		
Instructional Systems Specialist Supervisory Instructional Systems Specialist	GS-1750	12/13/14		
Human Resources Specialist	GS-0201	12/13/14/15		
General Attorney Senior Attorney	GS-0905	14/15		
Financial Program Specialist Financial Systems Specialist	GS-0501	12/13/14		
Accountant Staff Accountant	GS-0510	12/13/14		
Budget Analyst	GS-0560	12/13/14		
Contract Specialist Procurement Analyst	GS-1102	12/13/14		
Information Technology Specialist	GS-2210	12/13/14/15		
Mission Support Specialist	GS-0301	11/12/13		
<b>TOTAL</b>				

*Locations to be determined in alignment with CBP requirements.*

USCIS Positions	Series	Grade Levels	Estimated Number of Reemployed Annuitants	Locations
Asylum Officer	GS-0930	12/14	(b) (7)(E)	(b) (6), (b) (7)(E)
Supervisory Asylum Officer	GS-0930	13/15		
Adjudication Officer	GS-1801	12/14		
Supervisory Adjudication Officer	GS-1801	14/15		
Supervisory Immigration Officer (FDNS)	GS-1801	14/15		
Immigration Services Officer	GS-1801	12/13		
Supervisory Immigration Services Officer	GS-1801	13/15		
Investigative Specialist	GS-1801	13/15		
Supervisory Investigative Specialist	GS-1801	14/15		
Refugee Officer	GS-1801	12/14		
Supervisory Refugee Officer	GS-1801	13/15		
<b>TOTAL</b>				



USCG Positions	Series	Grade Levels	Estimated Number of Recemployed Annuitants	Locations
Security Specialists	GS-0080	12	(b) (7)(E)	(b) (6), (b) (7)(E)
IT Specialists (Info Sec)/Lead IT Specialists	GS-2210	12-14		
Intelligence Operations Specialists	GS-0132	13		
Civil Engineers	GS-0810	12		
Human Resources Specialists	GS-0201	13		
Clinical Nurse,	GS-0610	09		
Visual Information Specialists	GS-1082	11		
Marketing Specialist	GS-0301	12		
Advertising	GS-0301	12		
Writer/Editors (Doctrine)	GS-1082	11		
Electronic Multi Media Specialists	GS-1001	11		
Training Specialists/Instructors	GS-1712	11/12		
Civil Engineers	GS-0810	13		
Architects	GS-0808	12		
Employee Assistance/Program Coordinators	GS-0101	12		
Sexual Assault Prevention	GS-0101	12		(b) (6), (b) (7)(E)
Family Resource Specialists	GS-0101	11		
<b>TOTAL</b>				

FLETC Positions	Series	Grade Levels	Estimated Number of Reemployed Annuitants	Locations
Personnel Security Specialist	GS-0080	09/11	(b) (7)(E)	(b) (6), (b) (7)(E)
Security Specialist (Program Support)	GS-0080	09/11		
Human Resources Specialist (Recruitment and Placement)	GS-0201	12/13		
Management Analyst	GS-0343	09/11/12		
Accountant	GS-0510	11/13		
Budget Analyst	GS-0560	13		
Contract Compliance Specialist	GS-1101	11		
Contract Specialist	GS-1102	12/13		
Training Research Analyst	GS-1701	12		
Athletic Trainer	GS-1701	12		
(b) (6)	GS-2210	13		
	GS-2210	13		
	GS-2210	12		
	GS-2210	11		
<b>TOTAL</b>				

ICE Positions	Series	Grade Levels	Estimated Number of Reemployed Annuitants	Locations
Deportation Officer (Secondary law enforcement covered positions) <sup>1</sup>	GS-1801	12/13/14	(b) (7)(E)	(b) (6), (b) (7)(E)
Detention and Deportation Officer (Secondary law enforcement covered positions) <sup>2</sup>	GS-1801	13/14/15		
Medical Officer (Pre-employment medicals exams are a pre-requisite and often require medical review)	GS-0602	15		
Enforcement Programs Manager (Analyzes plans and directs national law enforcement programs that impact multiple organizations)	GS-1801	15		
Management and Program Analyst <sup>3</sup>	GS-0343	12/13/14		
Mission Support Specialist	GS-0301	11/12/13		
Administrative Officer (Provide critical analysis and evaluation of ICE programs and operations)	GS-0341	14		
Criminal Investigator (Secondary law enforcement covered) <sup>4</sup>	GS-1811	13/14/15		(b) (6), (b) (7)(E)
Supervisory Criminal Targeting Specialist (Oversee National Criminal and Targeting Center operations)	GS-1801	13		
Law Enforcement Specialist (Oversee Law Enforcement Support Center operations) <sup>5</sup>	GS-1801	11-13		
Criminal Targeting Specialist (Analyzes fugitive alien and criminal population)	GS-1801	12		(b) (6), (b) (7)(E)
Personnel Security Specialist	GS-0080	09/11/12		

<sup>1</sup>Includes parenthetical titles such as (Course Developer/Instructor), (Compliance Standards Officer), etc.

<sup>2</sup>Includes Supervisory Detention and Deportation Officer

<sup>3</sup>Includes parenthetical titles

<sup>4</sup>Includes Supervisory Criminal Investigator

<sup>5</sup>Includes Supervisory Law Enforcement Specialist

ICE Positions	Series	Grade Levels	Estimated Number of Reemployed Annuitants	Locations
Supervisory Intelligence Research Specialist (Supervises the collection, analysis, and sharing of timely and accurate intelligence on illicit trade, travel, and financial activity)	GS-0132	14/15	(b) (7)(E)	(b) (7)(E), (b) (6)
Training Specialist	GS-1712	12/13		
Supervisory Social Science Program Specialist (Liaisons with ICE, DHS, DOJ and other federal, state, local and non-governmental agencies regarding victim assistance and/or child victim cases)	GS-0101	13		
Deportation Liaison Officer	GS-1801	14		
ICE Tactical Officer (Image and process digital information, gather evidence) <sup>6</sup>	GS-1801	12/13		
Supervisory Intel Operations Specialist	GS-0131	15		
Technical Enforcement Officer	GS-1801	13		
Intelligence (Specialists, Watch & Reports Officers, Program Managers, Counterintelligence Operations)	GS-0132	11/12/13/14		
HR Specialist	GS-0201	12/13/14		
<b>TOTAL</b>				

*Locations to be determined in alignment with ICE requirements.*

USSS Positions	Series	Grade Levels	Estimated Number of Reemployed Annuitants	Locations
Physical Security Specialist	GS-0080	12	(b) (7)(E)	(b) (7)(E), (b) (6)
Protective Support Technician	GS-1802	7/8/9/10/11/12		
Law Enforcement Instructor	GS-1801/1712	12		
Instructional Systems Specialist	GS-1750	13		
Information Technology Specialist	GS-2210	12/13/14/15		
Investigator	GS-1801	13		
Special Officer	GS-1802	9/10/11/12/13		
Polygraph Examining Investigator	GS-1801	13		
Human Resources Specialist	GS-0201	12/13/14/15		
Personnel Security Specialist	GS-0080	12/13/14/15		
Recruitment Program Manager	GS-0301	14		
Operations Research Analyst	GS-1515	12/13/14/15		
Contract Specialist	GS-1102	12/13/14		
Statistician	GS-1530	12/13/14/15		
<b>TOTAL</b>			(b) (7)(E)	

## DELEGATED AUTHORITY TO DEPARTMENT OF HOMELAND SECURITY FOR UNUSAL CIRCUMSTANCES

The Director, U.S. Office of Personnel Management (OPM), hereby delegates to the head or acting head of the U.S. Department of Homeland Security (DHS), Custom and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), U.S. Coast Guard (USCG), Federal Law Enforcement Training Center (FLETC), U.S. Immigration and Customs Enforcement (ICE), and U.S. Secret Service (USSS) or his designee, authority to waive the dual compensation reduction (salary off-set) required of reemployed annuitants by sections 8344 and 8468 of title 5, United States Code in connection with appointments to DHS. This delegation will enable the Chief Human Capital Officer or his designee to waive the salary off-set when necessary to reemploy a Civil Service Retirement System or Federal Employees Retirement System annuitant on a temporary basis, but only if, and for so long as, the authority is necessary to hire applicants for positions in support of two Executive Orders titled: "*Border Security and Immigration Enforcement Improvements*" and "*Immigration Enforcement Improvements and Enhancing Public Safety in the Interior of the United States*." This delegation begins on the date the DHS Chief Human Capital Officer signs this delegation below, and **ends on June 30, 2020**, and is subject to the following limitations and requirements:

1. The head or acting head or his or her delegate (hereafter, you) may waive the salary off-set on a case-by-case basis, when necessary to quickly hire, on temporary appointment, an annuitant with optional retirement, excluding annuitants with early voluntary and buyout retirements, when DHS has an urgent need to accomplish tasks associated with the mandates of the two Executive Orders.
2. You must terminate the waiver when the conditions that make the waiver necessary change, when the annuitant leaves the position, when the position or nature of the work changes, or when the not-to-exceed date is reached. Any waiver granted pursuant to this delegation must terminate no later than **June 30, 2020**.
3. You may redelegate this authority to a senior DHS CBP/USCIS/USCG/FLETC/ICE/USSS HR official at the Headquarters level familiar with the mandates of the two Executive Orders.
4. Waiver requests must be in writing (email is acceptable). The annuitant must have declined reappointment without a waiver in order for a waiver to be requested. The waiver must include the following:
  - The position's title, series, pay plan, grade, work schedule (full-time, part-time, or intermittent), work location (city and state), the proposed appointing authority, the appointment's termination date, and the waiver's termination date.
  - The annuitant's full name and civil service retirement number and a recitation whether the annuitant has declined re-employment without a waiver (quoting the annuitant's words is acceptable).
  - A brief statement documenting that the position and work are of a temporary nature and, reciting that the appointment in question will be used solely to support your hiring efforts for the mandates of the two Executive Orders, and explaining



how the appointment in question will directly support such efforts.

5. Approval must also be in writing. You must maintain the record of each request and your action on any request that was approved for three years following the action date.
6. You **must** forward to OPM, on a quarterly basis, copies of the waiver requests processed, and the records of the actions on these requests for the period covered by that quarter. You must also make these records available upon request.
7. You may approve requests under this delegation authority for a total of up to 1,618 positions. These positions are located nationwide.
8. You may approve a request when the office has a temporary critical need in support of two **Executive Orders titled: "Border Security and Immigration Enforcement Improvements"** and **"Immigration Enforcement Improvements and Enhancing Public Safety in the Interior of the United States."** For a continuing position, you must post immediately a vacancy announcement on USAJOBS and use all reasonable recruiting incentives and staffing flexibilities to fill the vacancy as soon as possible. You may approve a request **only if, and for as long as, no other reasonable staffing option exists.\***

\*Other reasonable staffing options include doing the following first:

- Hiring all qualified applicants who are available to work;
- Hiring all qualified annuitants who are available to work with their salary offset;
- Offering details, reassignments, voluntary overtime or compensatory time off to qualified employees; and
- Replacing annuitants working with a salary off-set waiver.

**Note:** Reemployed annuitants serve at the will of the appointing official, per 5 U.S.C 3323. Agencies may hire annuitants using any appropriate existing appointing authority. Agencies may adjust the work schedule of annuitants without advanced notice or procedures. Annuitants with a salary off-set waiver may not make retirement contributions or participate in the Thrift Savings Plan. This delegation enables you to pay annuitants under a temporary time-limited appointment. A reemployed annuitant may not hold another civil service position if the basic (non-overtime) hours for that position would cause the combined total of basic (non-overtime) hours for both positions to exceed 40 hours per week. (See U.S.C. 5533 and 5 CFR part 550, subpart F.)

(b) (6)

Kathleen M. McGettigan/  
Acting Director  
U.S. Office of Personnel Management

**JUN 27 2017**

Date

Angela Bailey  
Chief Human Capital Officer  
U.S. Department of Homeland Security

Date

## Mahoney, Michael J

---

**From:** Reinhold, Mark D  
**Sent:** Tuesday, June 20, 2017 9:44 AM  
**To:** Holden, Kimberly A.; Mahoney, Michael J  
**Subject:** FW: (b) (5), (b) (6)  
**Attachments:** (b) (5), (b) (6) Attachment 1 - GAO-16-253  
Homeland Security\_ Oversight of Neglected Human Resources Information Technology  
Investment Is Needed.pdf; Attachment 2 - OIG-16-19-Jan16.pdf; Attachment 3 -  
Presidential Executive Order Enhancing Public Safety Interior United.pdf; Attachment 4 -  
Executive Order Border Security And Immigration Enforcement Improvements.pdf;  
Attachment 5 - (b) (6) resume.docx; Attachment 6 - DHS SIO  
Descriptions.pptx

Not sure if this will also come in under separate cover – but could you get this in the queue for processing? Thanks.

(b) (6)  
**From:** Bailey, Angela  
**Sent:** Monday, June 19, 2017 4:52 PM  
**To:** Reinhold, Mark D  
**Subject:** FW: (b) (5), (b) (6)

Mark—(b) (5) Thank you—this one is very important for the success of our  
HRIT. Angie





Homeland  
Security

JUN 19 2017

The Honorable Kathleen McGettigan  
Acting Director  
U.S. Office of Personnel Management  
1900 E Street, NW  
Washington, DC 20415

Dear Acting Director McGettigan:

The Department of Homeland Security (DHS) requests a dual compensation (salary offset) waiver for a period not to exceed three years for (b) (6). This waiver will enable DHS to retain (b) (6) fill the position of Executive Director, Human Capital Business Solutions (HCBS). (b) (6) very niche and unique combination of skills in human resources, information technology, and program and financial management is required to develop the program strategy, structure, and requirements of the Department's high visibility Human Resources Information Technology (HRIT) program.

Since my arrival at DHS, I have found the HRIT program to be a particularly difficult challenge. Ever since her appointment, I have relied heavily on (b) (6) to put the HRIT program back on track, successfully manage HCBS, and to position HCBS and the HRIT for future success. I have evaluated the organization and programs found in the Office of the Chief Human Capital Officer (OCHCO), and it is clear that (b) (6) expertise in HRIT management, and her demonstrated skill sets in implementing change, building coalitions, and working with senior government officials are unavailable amongst the current staff and are scarce throughout DHS and the federal sector.

Therefore, the Department of Homeland Security requests this waiver under the criteria in 5 Code of Federal Regulations 553.201 (e) – "Exceptions based on the need to retain a particular individual." The criteria for approving a waiver for (b) (6) met by the following:

1. *Critical nature of the project.* (b) (6) will be responsible for developing the strategy, establishing the organizational foundation, and implementing operations for the HCBS division within OCHCO. This division is responsible for the identification and management of HRIT investment priorities, ongoing management of operational systems, and continued assessment to enhance/refine technology solutions for the department. The HCBS division's work impacts all personnel with the Department – addressing opportunities to improve learning management, payroll, and time-to-hire.

**Importance of the project to the Department's mission.**

The Department initiated the HRIT program in 2003 to consolidate, integrate, and modernize its HRIT infrastructure. In 2011, DHS redefined HRIT's scope and implementation timeframes. In 2016, OCHCO and the Office of the Chief Information Officer (OCIO) partnered to reestablish priorities and reinvigorate the HRIT program. The Department re-launched the HRIT Executive Steering Committee (ESC) in February 2016, chaired by the Chief Human Capital Officer (CHCO) and Chief Information Officer (CIO). The HRIT ESC identified a new set of Strategic Improvement Opportunities (SIOs) in collaboration with DHS components designed to more efficiently manage department resources with important outcomes such as reducing time to hire.

(b) (6) joined OCHCO in FY 2017 and immediately began to refocus and redesign the work efforts and progress tracking, improving program accountability and communication and enhancing collaborative efforts with component and line of business partners across the Department.

**Potential costs of project failure/delay.**

Over the past few years, OCHCO and mission support functions across DHS have seen funding reductions, and improvement initiatives for the enterprise have languished. The inability to identify and implement solutions has impacted the human resources management function by limiting opportunities for updated/integrated systems that reduce duplication of effort and manual intervention.

DHS takes its fiscal responsibility seriously, and seeks to invest its limited resources prudently, reduce the potential for personnel coding errors through integrated systems, and implement systems to manage performance wisely in accordance with the President's Executive Order. The Department further strives to ensure that we have systems that allow us to effectively deliver and track training to help improve skills and engagement, while simultaneously seeking ways to reshape the workforce.

**Legislative or Presidential deadlines.**

The HRIT program has come under tremendous scrutiny over the last several years by Congress, the Government Accountability Office (GAO), and Office of Inspector General (OIG). The Subcommittee on Oversight and Management Efficiency, Committee on Homeland Security, House of Representatives asked GAO to review DHS's efforts to implement the HRIT investment and subsequently made 14 recommendations in a report to Congress, dated February 2016, to address the perceived lack of progress and ineffective management of the HRIT program. DHS concurred with the recommendations and provided estimated completion dates for implementation.<sup>1</sup> DHS must address the concerns of

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<sup>1</sup> Report to the Subcommittee on Oversight and Management Efficiency, Committee on Homeland Security, House of Representatives

Congress, GAO, and OIG<sup>2</sup> to ensure that we are delivering the most effective, secure systems and are implementing DHS and government-wide successful practices.

The Department testified to Congress in 2016 about the strategic future and status of the HRIT program and how the Department is addressing its HRIT program challenges by connecting systems to improve manpower budget preparation and execution, and integrating human resources data sets with other corporate data to increase its analytic capability. These efforts are designed to improve human resources servicing and customer satisfaction, reduce processing errors, and eliminate the administrative burden of data entry across the workforce, while improving the governance and oversight of our programs.

The Department committed to implementing solutions for nine SIOs within the next two years, including overall improvement of hiring systems, implementing workforce planning, learning management, performance management, and labor relations/employee relations management systems. Integrating these systems to ensure IT accesses are created and revoked in a timely manner will reduce the time needed to produce time-to-hire metrics by six weeks, reduce the time-to-hire by five days for security processing, and enable DHS-wide reporting. These capability gaps negatively impact the Department's ability to hire and manage its workforce. Any further delays in resolving these gaps will severely hamper and possibly prevent DHS's ability to execute the President's Executive Orders<sup>3</sup>, which increase the size and complexity of the workforce.

**Other factors that demonstrate the unusually critical nature of the project.**

The HRIT program is at a critical juncture. The program needs leadership with expertise in information systems, human resources, and program management to identify DHS's best-case solutions, and to ensure that the Department can meet and implement the technical requirements throughout the organization.

The Federal Information Technology Acquisition Reform Act (FITARA) requires DHS to ensure that the CIO has a significant role in information technology decisions, including annual and multi-year planning, programming, budgeting, execution, reporting, management, governance, and oversight functions. To support this, OCHCO needs a representative with an understanding of the FITARA policy and implementation guidelines to work hand in hand with OCIO to ensure compliance and transparency due to the nature of the data housed in the DHS human resources systems.

2. *Candidate's unique qualifications* (b) (6) robust, in-depth experience in the following key areas makes her exceptionally qualified for the Executive Director, Human Capital Business Solutions position and to the success of the overall HRIT program.

- **Human Resources Management:** Served as the Deputy CHCO at the Department of Defense (DoD) and served as the CHCO for the Secretary of the Navy's immediate staff.

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<sup>2</sup> DHS Oversight of Its Workforce Training Needs Improvement

<sup>3</sup> Executive Orders *Border Security and Immigration Enforcement Improvements* and *Enhancing Public Safety in the Interior of the United States*, both issued on January 25, 2017.

Her intimate understanding of human resources processes and policy is key to ensuring that the Department implements systems and/or solutions that align with requirements established by the Office of Personnel Management (OPM).

- **Information Technology Management:** Served as a CIO at several federal agencies, with responsibility for strategic planning, program planning, budgeting, and implementation of federal policy.
- **Human Resources Information Technology:** Responsible for delivery and operation of the civilian HRIT systems for DoD, where she provided oversight for DoD's military personnel system.
- **Program Management:** Has a specific understanding of the processes that are essential for the planning and implementation of complex systems. As a certified Level 3 Program Manager, a highly technical certification, she is able to quickly assess programs, identify corrective actions, and ensure programs achieve success. Throughout her career, she has managed a variety of programs, encompassing critical weapons systems and information technology programs.
- **Financial Management:** Responsible for planning and executing a \$45 billion annual budget, including the oversight of Capital Planning Investment Control to ensure alignment with the financial planning process, as well as the selection, control and evaluation of investments.

In addition, (b) (6) expertise and skills will ensure compliance with government-wide requirements to implement FITARA and OCIO requirements for security and system compliance for the enterprise. The success of these efforts is necessary to address key concerns related to management and oversight of these investments identified by GAO.

It is extremely difficult to find executives with the combination of knowledge and experience that (b) (6) has in these areas. Her depth of knowledge spans many years, which would be very difficult to achieve for a new appointee. Her technical experience, paired with both her program and financial management expertise, are essential to the continued success of this program.

(b) (6) is uniquely qualified to structure, staff, and implement the type of robust HRIT program required for such a large agency. Since her appointment, (b) (6) has reenergized the HRIT program and accomplished the following:

- Reshaped HCBS to improve DHS's ability to sustain the program moving forward.
- Prepared detailed project plans for nine SIOs, with costing based on the independent cost estimate.
- Strengthened the governance structure, cadence, and analysis structure that supports informed decisions by the executive steering committee.
- Documented technical roadmap and standards for HRIT systems.

- Developed an approach to perform and measure continuous analysis of human capital processes and requirements to identify future strategic improvement further improve the HRIT systems in support of the human capital strategic goals.
  - Documented Component time-to-hire report processes and identified data sources for automating the report, saving approximately six weeks of effort for each of the Components and providing DHS with timely time-to-hire information.
  - Documented Component personnel security processes and identified data sources for automatically triggering initiation of pre-employment security processes and background investigation outcomes, which once implemented, expect to save five days in the hiring process.
  - Documented Component information technology on-boarding and off-boarding processes and data sources to automatically trigger network, email, and system access privileges; expected to save five days in the hiring process and greatly improve DHS's ability to ensure information technology accounts are closed when personnel separate from DHS, thus reducing audit findings.
  - Documented Component talent acquisition processes and HRIT system usage to identify gaps in data interchanges and other automation capabilities.
  - Developed DHS's Mission Needs Statement to support the Acquisition Decision for the HRIT program in concert with the Joint Requirements Council.
  - Developed justification and guidance to enable the HRIT program to remain organizationally aligned with OCHCO to ensure support of human capital strategic goals while ensuring OCIO maintains strong technical oversight.
  - Organized the HRIT program budget to improve reporting and ensure DHS programs and expends funds appropriately, which will address audit findings.
3. *Need for retention.* I appointed (b) (6) in December 2016 to the position of Senior Advisor, Human Capital Business Solutions, as a reemployed annuitant on an intermittent appointment, and her time under NDAA will expire December 11, 2017. (b) (6) will resign and refuses reemployment without this waiver. However, due to the state of the project when hired, (b) (6) has worked in excess of the hours originally projected during her first six months. In addition, she is now nearing her annual cap. Consequently, DHS will lose (b) (6) services unless OPM grants the waiver. The program will not be able to sustain the forward momentum achieved to date without the consistent leadership, technical expertise, and level of decision-making authority that (b) (6) is able to leverage. The loss of this leadership insight will result in delays and adversely affect the program and the overall service delivery of human capital solutions throughout the enterprise. (b) (6) oversight and championship of requirements will help DHS to implement the SIOs for the human capital community.
4. *Other staffing options.* The HRIT program requires experience in human resources operations, information technology program management, acquisitions management, and strategic planning. We currently do not have any other experienced, executive employee who possesses the unique characteristics required to develop the strategy, establish the structure and implement requirements, or conceptualize improvements in the HRIT program to complete this effort. Although (b) (6) continues to mentor, coach, and develop



The Honorable Kathleen McGettigan  
Page 6

employees to assume her role and responsibilities, current staff members do not have the sufficient breadth of experience to replace (b) (6)

Since initiation of the HRIT program in 2003, several senior employees and executives have led this effort, but without the level of success we have seen in the short time (b) (6) has been onboard. During fiscal year 2016, DHS attempted to fold this capability within the strategic planning arm of the organization and leverage the technical expertise of leadership and management in OCIO. However, the executive was not equipped to set the necessary executive-level strategic direction for this highly technical portfolio, not to mention it stretched them too thin as HRIT is at a critical juncture in its development and requires an executive's concentrated focus. Also, joint OCHCO-OCIO management led to an imbalance between the requirements driver (OCHCO) and the service provider (OCIO). After trying several approaches using existing staff, we brought on (b) (6) as a rehired annuitant to help fill in the gaps based on her expertise.

Under (b) (6) guidance, the program has regained focus and greater stability, but much effort is still required to solidify those gains. (b) (6) contributions have strengthened overall management and set the stage for the development and implementation of solid technical solutions across the department, which will greatly improve human capital service delivery and data reporting.

For these compelling reasons, I request that you approve the dual compensation (salary offset) waiver for (b) (6). I am confident that the Department has met the criteria for approving a waiver for (b) (6) the information provided and I look forward to receiving your favorable consideration.

Please feel free to contact me directly with any questions or concerns you may have, or your staff may contact my deputy, Roland Edwards, or (b) (6) (b) (6)

Sincerely,

(b) (6)

Angela Bailey  
Chief Human Capital Officer

Attachments



Report to the Subcommittee on  
Oversight and Management Efficiency,  
Committee on Homeland Security,  
House of Representatives

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February 2016

# HOMELAND SECURITY

## Oversight of Neglected Human Resources Information Technology Investment Is Needed

# GAO Highlights

Highlights of GAO-16-253, a report to the Subcommittee on Oversight and Management Efficiency, Committee on Homeland Security, House of Representatives

February 2016

## HOMELAND SECURITY

### Oversight of Neglected Human Resources Information Technology Investment Is Needed

#### Why GAO Did This Study

DHS's human resources administrative environment includes fragmented systems, duplicative and paper-based processes, and little uniformity of data management practices, which according to DHS, are compromising the department's ability to effectively carry out its mission. DHS initiated HRIT in 2003 to consolidate, integrate, and modernize DHS's human resources information technology infrastructure. In 2011, DHS redefined HRIT's scope and implementation time frames.

GAO was asked to review DHS's efforts to implement the HRIT investment. GAO's objectives included, among others, evaluating the progress DHS has made in implementing the HRIT investment. GAO compared HRIT's goals and scope to the investment's actual accomplishments, and compared DHS's planned schedule for implementing strategic improvement opportunities (key areas identified by DHS as needing improvement) against its current schedule.

#### What GAO Recommends

GAO is making 14 recommendations to DHS to, among other things, address HRIT's poor progress and ineffective management. For example, GAO recommends that the HRIT executive steering committee is consistently involved in overseeing and advising the investment. In addition, GAO recommends DHS evaluate the HRIT investment to determine whether its goals are still valid and reflect the department's priorities. DHS concurred with all 14 recommendations and provided estimated completion dates for implementing each of them.

View GAO-16-253. For more information, contact Carol R. Cha at (202) 512-4456 or ChaC@gao.gov, or Rebecca S. Gambler at (202) 512-6912 or GamblerR@gao.gov.

#### What GAO Found

The Department of Homeland Security (DHS) has made very little progress in implementing its Human Resources Information Technology (HRIT) investment in the last several years. This investment includes 15 improvement opportunities; as of November 2015, DHS had fully implemented only 1, see table below.

**Status and Planned Completion Dates for Implementing the 15 Strategic Improvement Opportunities, as of November 2015**

Strategic improvement opportunity name	Status	Original planned completion <sup>a</sup>	Current expected completion date
1. Data management and sharing	●	September 2014	Unknown
2. Performance measures tracking and reporting	○	December 2012	Unknown
3. Personnel action processing	●	September 2013	Unknown
4. Human resources document management	●	September 2014	Unknown
5. End-to-end hiring	○	December 2016	Unknown
6. Performance management	●	December 2012	Unknown
7. Off-boarding process	○	December 2012	Unknown
8. Policy issuances and clarification	○	June 2015	Unknown
9. Payroll action processing	●	June 2014	Unknown
10. HRIT deployment process	○	September 2012	Unknown
11. Knowledge management	○	December 2014	Unknown
12. Training	○	June 2015	Unknown
13. Communication and collaboration among Components	○	December 2012	Unknown
14. On-boarding process	○	December 2012	Unknown
15. HRIT intake process	●	December 2011	Implemented October 2011

Key: ● Fully implemented ○ Partially implemented ○ Not yet started

Source: GAO analysis of data provided by DHS officials.

<sup>a</sup>Dates reflect the last month of the quarter in which the opportunities were planned to be complete.

HRIT's limited progress was due in part to the lack of involvement of its executive steering committee—the investment's core oversight and advisory body—which was minimally involved with HRIT, such as meeting only one time during a nearly 2-year period when major problems, including schedule delays, were occurring. As a result, key governance activities, such as approval of HRIT's operational plan, were not completed. Officials acknowledged that HRIT should be re-evaluated and took early steps to do so (i.e., meeting to discuss the need to re-evaluate); however, specific actions and time frames have not been determined. Until DHS takes key actions to re-evaluate and manage this neglected investment, it is unknown when its human capital weaknesses will be addressed.



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#### **Abbreviations**

CBP	U.S. Customs and Border Protection
CMMI-ACQ	Capability Maturity Model® Integration for Acquisition
DHS	Department of Homeland Security
FEMA	Federal Emergency Management Agency
FLETC	Federal Law Enforcement Training Center
HRIT	Human Resources Information Technology
ICE	U.S. Immigration and Customs Enforcement
IT	information technology
OCHCO	Office of the Chief Human Capital Officer
OCIO	Office of the Chief Information Officer
PALMS	Performance and Learning Management System
PMBOK®	Project Management Body of Knowledge
PMO	program management office
TSA	Transportation Security Administration
USCG	U.S. Coast Guard
USCIS	U.S. Citizenship and Immigration Services
USM	Under Secretary for Management

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U.S. GOVERNMENT ACCOUNTABILITY OFFICE

441 G St. N.W.  
Washington, DC 20548

February 11, 2016

The Honorable Scott Perry  
Chairman  
The Honorable Bonnie Watson Coleman  
Ranking Member  
Subcommittee on Oversight and Management Efficiency  
Committee on Homeland Security  
House of Representatives

The Honorable Jeff Duncan  
House of Representatives

Since the Department of Homeland Security (DHS) was created in 2002 and merged 22 agencies into one department with eight components, its human resources environment has included fragmented systems, duplicative and paper-based processes, and little uniformity of data management practices. According to DHS, these issues are compromising the department's ability to effectively and efficiently carry out its mission to, among other things, enhance security and respond to disasters. For example, according to DHS, while it is imperative that it respond quickly to emergencies, catastrophic events, and threats, and deploy appropriately trained, certified, and skilled personnel during these events, the department's inefficient and disjointed hiring process has limited the department's hiring abilities.

To address these issues, DHS initiated the Human Resources Information Technology (HRIT) investment in 2003 to consolidate, integrate, and modernize the department's IT infrastructure that supports human resources. One of the types of human resources programs to be addressed through the HRIT umbrella was management of department-wide employee performance and learning—referred to as the Performance and Learning Management System (PALMS). This program is designed to implement an enterprise-wide employee performance management and appraisal solution that is to automate the department's primarily paper-based performance management processes. In addition, PALMS is to provide a system that will consolidate nine existing learning management systems into one system and enable comprehensive training reporting and analysis across the department.

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In light of HRIT's expected role in transforming the department's human resources processes and system environment, you asked us to review DHS's efforts to implement the investment. Our objectives were to (1) evaluate the progress DHS has made in implementing the HRIT investment and how effectively DHS managed the investment since completing the Human Capital Segment Architecture in August 2011, (2) describe whether DHS has justified its investment in the PALMS program, (3) determine whether PALMS is being implemented enterprise-wide, and (4) evaluate the extent to which PALMS is implementing selected IT acquisition best practices.

To address the first part of our first objective—to evaluate the progress DHS had made in implementing the HRIT investment—we compared HRIT's goals, scope, and implementation time frames to the investment's actual accomplishments. We also compared DHS's planned schedule for implementing the improvement opportunities and projects, as of August 2011, against DHS's current planned schedule for implementing them. For the second part of our first objective—to evaluate how effectively DHS has managed the investment—we analyzed documentation, such as the investment's schedule, program management briefings, DHS's Human Capital Segment Architecture blueprint, cost estimates, and budget documentation, and compared them against relevant cost and schedule best practices identified by GAO, the Software Engineering Institute at Carnegie Mellon University, and the Project Management Institute, Inc.<sup>1</sup> To determine the amount spent to date on HRIT, we asked officials from DHS headquarters and the components to provide expenditure information on HRIT since the investment began in 2003; officials were unable to provide complete information. As such, we were unable to identify the total amount spent on the investment and discuss this limitation further in the report.

In addressing our second objective, we analyzed documentation, such as the program's business case and the documented analysis of alternatives

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<sup>1</sup>GAO, *GAO Cost Estimating and Assessment Guide: Best Practices for Developing and Managing Capital Program Costs*, GAO-09-3SP (Washington, D.C.: March 2009); GAO *Schedule Assessment Guide: Best Practices for Project Schedules*, GAO-16-89G (Washington, D.C.: Dec. 22, 2015); Software Engineering Institute, *Capability Maturity Model® Integration for Acquisition (CMMI-ACQ), Version 1.3* (Pittsburgh, Pa.: November 2010); and Project Management Institute, Inc., *A Guide to the Project Management Body of Knowledge (PMBOK® Guide), Fifth Edition*, (Newton Square, Pa.: 2013). "PMBOK" is a trademark of the Project Management Institute, Inc.

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that was conducted to identify recommended approaches for pursuing a commercial off-the-shelf learning management system. We used this information to determine the various alternative solutions that DHS assessed for delivering enterprise-wide performance and learning management capabilities and justifying its investment in PALMS. Additionally, we reviewed program management briefings provided to the HRIT Executive Steering Committee that outlined, for example, the proposed solution and rationale for such a solution.

To address our third objective, we analyzed the program's acquisition plan and original schedule for implementing the system department-wide, and compared it against program status documentation and the program's current implementation schedule, as of November 2015.

Lastly, for our fourth objective, we analyzed the program's IT acquisition documentation (e.g., acquisition plan and risk logs) and compared it to relevant project planning, project monitoring, and risk management best practices as identified by CMMI-ACQ, the PMBOK® Guide, and GAO.<sup>2</sup> Additionally, we interviewed officials from HRIT, PALMS, the Office of the Chief Information Officer (OCIO), the Office of the Chief Human Capital Officer (OCHCO), and DHS's eight components to obtain additional information on the program's IT acquisition processes in these areas.

We conducted this performance audit from March 2015 to February 2016 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. See appendix I for a more detailed discussion of our objectives, scope, and methodology.

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## Background

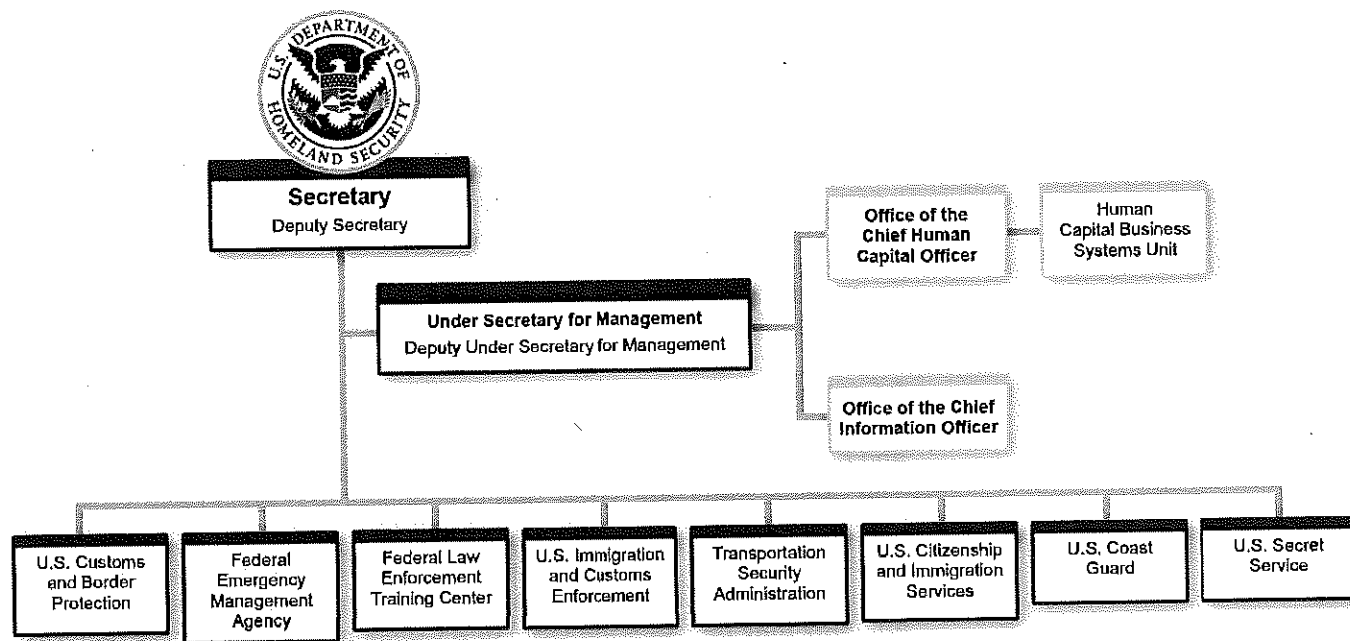
DHS's mission is to lead the unified national effort to secure America by preventing and deterring terrorist attacks and protecting against and responding to threats and hazards to the nation, among other things. Created in 2002, DHS merged 22 agencies and offices that specialized in one or more aspects of homeland security. The intent behind the merger

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<sup>2</sup>CMMI-ACQ; the PMBOK® Guide; GAO-16-89G; and GAO-09-3SP.

that created DHS was to improve coordination, communication, and information sharing among these multiple federal agencies. Each of these agencies is responsible for specific homeland security missions and for coordinating related efforts with its sibling components, as well as external entities. Figure 1 shows a simplified and partial DHS organizational structure.

**Figure 1: Simplified and Partial DHS Organizational Structure**



Source: GAO analysis of U.S. Department of Homeland Security data. | GAO-16-253

Within the department's Management Directorate, headed by the Under Secretary for Management (USM), are the OCHCO and OCIO. The OCHCO is responsible for department-wide human capital policy and development, planning, and implementation of human capital initiatives. The OCIO is responsible for departmental IT policies, processes, and standards, and ensuring that IT acquisitions comply with DHS IT management processes, among other things.

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## Oversight of DHS's Acquisition Programs

DHS acquires IT and other capabilities that are intended to improve its ability to execute its mission. DHS classifies these acquisition programs into three levels that determine the extent and scope of required project and program management, the level of reporting requirements, and the acquisition decision authority. Specifically, DHS policy defines acquisition programs as follows:

- Level 1 major acquisition programs are expected to cost \$1 billion or more over their life cycles.
- Level 2 major acquisition programs are expected to cost at least \$300 million over their life cycles.
- Special interest programs, without regard to the established dollar thresholds, are designated as Level 1 or Level 2 programs. For example, a program may be raised to a higher acquisition level if its importance to DHS's strategic and performance plans is disproportionate to its size or it has high executive visibility.
- Level 3 programs are those with life-cycle cost estimates less than \$300 million and are considered non-major.

As outlined in DHS's Acquisition Management Directive 102-01, DHS's Chief Acquisition Officer—the USM—is responsible for the management and oversight of the department's acquisition policies and procedures.<sup>3</sup> The Deputy Secretary, USM, and Component Acquisition Executives are the acquisition decision authorities for DHS's acquisition programs. For Level 1 programs, the acquisition decision authority may be either the Deputy Secretary or USM; for level 2 programs, the acquisition decision authority may be either the USM or a Component Acquisition Executive; and for Level 3 programs, a Component Acquisition Executive is the acquisition decision authority.

As of March 2015, the department had 72 major acquisition programs and 42 non-major acquisition programs.

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<sup>3</sup>The Secretary of DHS designated the USM the department's Chief Acquisition Officer in April 2011. DHS Instruction Manual 102-01-001, "Acquisition Management Instruction/Guidebook" (Oct. 1, 2011).



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## DHS's Management of Human Capital Is a High-Risk Effort

In 2003, we designated the transformation of DHS as high risk because it had to transform 22 agencies—several with major management challenges—into one department.<sup>4</sup> We emphasized that failure to effectively address DHS's management and mission risks could have serious consequences for U.S. national and economic security.

In 2007 and 2009, in reporting on DHS's progress in addressing the high-risk area since its creation, we found that DHS had made more progress in implementing its range of missions than its management functions—such as in the areas of IT and human capital—and that continued work was needed to address an array of programmatic and management challenges.<sup>5</sup> Since then, DHS had continued to make important progress in strengthening and integrating its management functions; however, significant work remained for DHS to improve in these areas. For example,

- As of September 2015, DHS had taken steps to identify current and future human capital needs, including the size of the workforce, its deployment across the department and components, and the knowledge, skills, abilities, and diversity needed; however, DHS had yet to fully implement its workforce planning model that was intended to allow the department to plan for its current and future organizational and workforce needs.
- In February 2015, we reported that while DHS established a human capital strategic plan in 2011 and made progress in implementing it, the department had considerable work ahead to improve employee morale, which has decreased each year since 2011.<sup>6</sup> For example, the Office of Personnel Management's 2014 Federal Employee Viewpoint Survey data showed that DHS's scores continued to decrease in all four dimensions of the survey's index for human capital accountability and assessment.

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<sup>4</sup>GAO, *High-Risk Series: An Update*, GAO-03-119 (Washington, D.C.: Jan. 1, 2003).

<sup>5</sup>GAO, *High-Risk Series: An Update*, GAO-07-310 (Washington, D.C.: Jan. 31, 2007) and *High-Risk Series: An Update*, GAO-09-271 (Washington, D.C.: Jan. 22, 2009).

<sup>6</sup>GAO, *High-Risk Series: An Update*, GAO-15-290 (Washington, D.C.: Feb. 11, 2015).

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- While the department had made progress in implementing its IT Strategic Human Capital Plan for fiscal years 2010 through 2012, in January 2015 DHS shifted its IT paradigm from acquiring assets to acquiring services, and acting as a service broker (e.g., an intermediary between the purchaser of a service and the seller of that service). According to DHS officials in May 2015, this paradigm change will require a major transition in the skill sets of DHS's IT workforce, as well as the hiring, training, and managing of those new skill sets; as such, this effort will need to be closely managed in order to succeed.
  - Moreover, as of September 2014, DHS faced challenges in integrating employee training management across all the components, including centralizing training and consolidating training data into one system. According to DHS officials, the department planned to address these limitations through the development and deployment of HRIT's PALMS program.

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## Overview of DHS's Human Resources Information Technology Investment

Since DHS was created, the department's human resources environment has included fragmented systems, duplicative and paper-based processes, and little uniformity of data management practices. According to DHS, these limitations in its human resources environment are compromising the department's ability to effectively and efficiently carry out its mission.<sup>7</sup> For example,

- While it is imperative that DHS responds quickly to emergencies, catastrophic events, and threats, and deploys appropriately trained, certified, and skilled personnel during these events, according to DHS, the department's hiring process involves numerous systems and multiple hand-offs which result in extra work and prolonged hiring.<sup>8</sup> This inefficient process is one factor that could have contributed to the skill and workforce gaps that we have previously identified. For example, in April 2015, we reported that 21 of the 22 major acquisition programs we reviewed faced shortfalls in their program office workforce in fiscal year 2014.<sup>9</sup>

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<sup>7</sup>DHS, *Human Capital Segment Architecture Blueprint, Version 1.0* (Aug. 9, 2011).

<sup>8</sup>DHS, *OCHCO/OCIO Business Justification for HRIT Consolidation and Modernization* (Feb. 1, 2008).

<sup>9</sup>GAO, *Homeland Security Acquisitions: Major Program Assessments Reveal Actions Needed to Improve Accountability*, GAO-15-171SP (Washington, D.C.: Apr. 22, 2015).

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- According to DHS, the department does not have information on all of its employees, which reduces its abilities to strategically manage its workforce and best deploy people in support of Homeland Security missions.<sup>10</sup>
  - According to DHS, reporting and analyzing enterprise human capital data are currently time-consuming, labor-intensive, and challenging because the department's data management largely consists of disconnected, standalone systems, with multiple data sources for the same content.<sup>11</sup> As one example, we reported in 2014 that DHS could not provide complete information on how much it had spent on administratively uncontrollable overtime to its personnel from fiscal years 2008 through 2014.<sup>12</sup> Specifically, certain components could not provide information such as duty location or payments for certain years.

To address these issues, in 2003, DHS initiated the HRIT investment, which is intended to consolidate, integrate, and modernize the department's and its components' human resources IT infrastructure. These components include U.S. Customs and Border Protection (CBP), the Federal Emergency Management Agency (FEMA), the Federal Law Enforcement Training Center (FLETC), U.S. Immigration and Customs Enforcement (ICE), the Transportation Security Administration (TSA), U.S. Citizenship and Immigration Services (USCIS), the U.S. Coast Guard (USCG), and the U.S. Secret Service.

HRIT is managed by DHS's Human Capital Business Systems unit, which is within OCHCO and has overall responsibility for HRIT. Additionally, OCIO plays a key supporting role in the implementation of HRIT by reviewing headquarters' and components' human resources investments, identifying redundancies and efficiencies, and delivering and maintaining enterprise IT systems.

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<sup>10</sup>DHS, *Human Capital Segment Architecture Blueprint, Version 1.0* (Aug. 9, 2011).

<sup>11</sup>DHS, *Human Capital Segment Architecture Blueprint, Version 1.0* (Aug. 9, 2011).

<sup>12</sup>GAO, *Department of Homeland Security: Continued Action Needed to Strengthen Management of Administratively Uncontrollable Overtime*, GAO-15-95 (Washington, D.C.: Dec. 17, 2014).

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From 2003 to 2010, DHS made limited progress on the HRIT investment, as reported by DHS's Inspector General.<sup>13</sup> This was due to, among other things, limited coordination with and commitment from DHS's components. To address this problem, in 2010 the DHS Deputy Secretary issued a memorandum emphasizing that DHS's wide variety of human resources processes and IT systems inhibited the ability to unify DHS and negatively impacted operating costs. The memorandum stated that, without an enterprise operating model, support for DHS's core mission was at risk and valuable workforce management information remained difficult to acquire across the department. Accordingly, the Deputy Secretary stated that DHS could no longer sustain a component-centric approach when acquiring or enhancing human resources systems, and prohibited component spending on enhancements to existing human resources systems or acquisitions of new solutions, unless those expenditures were approved by OCHCO or OCIO. The memorandum also directed these offices to develop a department-wide human resources architecture.

In 2011, in response to the Deputy Secretary's direction, DHS completed an effort called the Human Capital Segment Architecture, which, according to DHS, defined the department's current (or as-is) state of human capital management processes, technology, data, and relevant personnel. Further, from this current state, the department developed a comprehensive future state (or target state) and a document referred to as the Human Capital Segment Architecture blueprint that redefined the HRIT investment's scope and implementation time frames. As part of this effort, DHS conducted a system inventory and determined that it had 422 human resources systems and applications, many of which were single-use solutions developed to respond to a small need or links to enable disparate systems to work together. DHS reported that these numerous, antiquated, and fragmented systems inhibited its ability to perform basic workforce management functions necessary to support mission critical programs.

To address this issue, the blueprint articulated that HRIT would be comprised of 15 strategic improvement opportunity areas (e.g., enabling seamless, efficient, and transparent end-to-end hiring) and outlined 77

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<sup>13</sup>DHS Office of Inspector General, *Management Oversight and Component Participation Are Necessary to Complete DHS' Human Resource Systems Consolidation Effort*, OIG-10-99 (Washington, D.C.: July 1, 2010).

associated projects (e.g., deploying a department-wide hiring system, establishing an integrated data repository and reporting mechanism, and developing a centralized learning center for all personnel action processing information) to implement these 15 opportunities. Each opportunity area includes from 1 to 10 associated projects. Table 1 summarizes the scope of the 15 strategic improvement opportunities—listed in the order of DHS’s assigned priority—and identifies their original planned completion dates, as of August 2011 when the blueprint was issued.

**Table 1: Scope and Original Planned Implementation Dates for the 15 Strategic Improvement Opportunity Areas, as Outlined in DHS’s August 2011 Human Capital Segment Architecture Blueprint**

Strategic improvement opportunity area name (number of associated projects)	Problem/solution approach	Original planned completion date in Human Capital Segment Architecture blueprint <sup>a</sup>
1. Data management and sharing (5)	<p><b>Problem:</b> Inability to support enterprise reporting and data quality issues, among other things.</p> <p><b>Solution approach:</b> Develop, execute, and supervise plans, policies, programs, and processes that control, protect, deliver, and enhance the value of data and information assets.</p>	September 2014
2. Performance measures tracking and reporting (3)	<p><b>Problem:</b> Enterprise-level performance information not available and lack of standardized performance measures across the components, among other items.</p> <p><b>Solution approach:</b> Establish ongoing monitoring and reporting of program accomplishments, particularly in the area of progress towards pre-established goals.</p>	December 2012
3. Personnel action processing (10)	<p><b>Problem:</b> Significant costs associated with maintaining seven different systems for personnel action requests, and loss of efficiency due to duplicative data entry into multiple systems, among other things.</p> <p><b>Solution approach:</b> Establish the process necessary to appoint, separate, or make other personnel changes, which serve as a foundation for all human resources functions.</p>	September 2013
4. Human Resources document management (8)	<p><b>Problem:</b> Accessibility challenges and fragmented systems are unable to support new business requirements, among other things.</p> <p><b>Solution approach:</b> Enable accessibility, work processes, storage, and searchability of case file management contents within human resources activities.</p>	September 2014
5. End-to-end hiring (9)	<p><b>Problem:</b> Hiring process involves numerous systems and multiple hand-offs, resulting in extra work and delayed hiring, among other things.</p> <p><b>Solution approach:</b> Establish workforce planning, recruitment, hiring, security and stability, and orientation.</p>	December 2016

Strategic improvement opportunity area name (number of associated projects)	Problem/solution approach	Original planned completion date in Human Capital Segment Architecture blueprint <sup>a</sup>
6. Performance management (3)	<p><b>Problem:</b> Portions of performance management are done manually throughout all components, and there is a lack of reporting capabilities and transparency into the performance management process, among other things.</p> <p><b>Solution approach:</b> Create a process to support the attainment of DHS's organizational goals by promoting and sustaining a high-performance culture. Accomplished through the issuance of employee performance work plans.</p>	December 2012
7. Off-boarding process (1)	<p><b>Problem:</b> No standardized approach to off-boarding at DHS and there are time lags before selected systems recognize that an employee has left DHS, which poses a high risk of security infractions, among other things.</p> <p><b>Solution approach:</b> Establish a process through which an employee is formally separated from employment in the federal government, including canceling badges, credentials, and passwords, removing the employee from the payroll, and initiating back-fill process.</p>	December 2012
8. Policy issuances and clarification (4)	<p><b>Problem:</b> Policies are deployed without fully understanding HRIT and reporting implications, and components' participation in policy discussions is not consistent, among other things.</p> <p><b>Solution approach:</b> Create a process for promulgating new policies and standards to improve compliance and enhance efficiency, as well as streamline and enhance existing policies so that they are clearer and easier to follow.</p>	June 2015
9. Payroll action processing (6)	<p><b>Problem:</b> Inadequately trained timekeepers negatively impact payroll and three systems are used to initiate payroll actions, among other things.</p> <p><b>Solution approach:</b> Establish a process for conducting those actions that impact an employee's pay, including personnel actions, payroll actions, and timekeeping.</p>	June 2014
10. HRIT deployment process (4)	<p><b>Problem:</b> Expectations with regard to system requirements and the potential need to customize system solutions do not align with overall delivery related to commercial off-the-shelf products; and lack of transparency around project plans and schedules related to overall delivery, among other things.</p> <p><b>Solution approach:</b> Create a process for the activities DHS's Human Capital Business Systems unit undertakes to implement enterprise HRIT systems to components, including coordination of initiation and approval processes within DHS governance structures.</p>	September 2012
11. Knowledge management (7)	<p><b>Problem:</b> No effective enterprise search capability and lack of department-wide visibility of stove-piped content with restricted access, among other things.</p> <p><b>Solution approach:</b> Establish a solution for capturing, retaining, sharing, and disseminating essential knowledge across DHS's community of human resources professionals in their respective components.</p>	December 2014
12. Training (4)	<p><b>Problem:</b> Training varies greatly from component to component, and current junior-level human resources specialists are not as well trained in core human resources skills as their predecessors, among other things.</p> <p><b>Solution approach:</b> Create a systematic process for teaching employees work-related skills and guiding them to adopt cultural changes.</p>	June 2015

Strategic improvement opportunity area name (number of associated projects)	Problem/solution approach	Original planned completion date in Human Capital Segment Architecture blueprint <sup>a</sup>
13. Communication and collaboration among components (5)	<p><b>Problem:</b> Lack of an integrated plan for OCHCO communication, and lack of regular communication across DHS, among other things.</p> <p><b>Solution approach:</b> Establish a process for sharing information in response to data calls, audits, Congressional requests, or the simple requirements of day-to-day business, along with the process of components working together to solve common challenges.</p>	December 2012
14. On-boarding process (6)	<p><b>Problem:</b> Multiple, duplicative systems used to track on-boarding activities and no standardized, automated capability to trigger on-boarding activities, among other things.</p> <p><b>Solution approach:</b> Create a process for the activities that occur from after the conclusion of pre-employment (when security and any necessary medical screenings are completed) to when an official Entrance on Duty date is established and provisioning (ensuring new employees have the tools to do their job) is scheduled.</p>	December 2012
15. HRIT intake process (2)	<p><b>Problem:</b> No enterprise-wide HRIT governance process for determining whether to pursue a project.</p> <p><b>Solution approach:</b> Establish an overall governance process to determine project initiation based on business needs, preliminary definition, review, and decision along various defined IT paths.</p>	December 2011

Source: Data provided by DHS. | GAO-16-253

<sup>a</sup>These dates reflect the last month of the quarter in which the strategic improvement opportunities were planned to be complete, as identified in the Human Capital Segment Architecture Blueprint.

HRIT's only ongoing program is called PALMS and is intended to fully address the Performance Management strategic improvement opportunity area and its three associated projects. PALMS is attempting to implement a commercial off-the-shelf software product that is to be provided as a service<sup>14</sup> in order to enable, among other things, comprehensive enterprise-wide tracking, reporting, and analysis of employee learning and performance for DHS headquarters and its eight components. Specifically, PALMS is expected to deliver the following capabilities:

- *Learning management.* The learning management capabilities are intended to manage the life cycle of learning activities for all DHS employees and contractors. PALMS is intended to, among other

<sup>14</sup>For software provided as a service, a consumer uses a provider's applications that are accessible from various client devices through an interface such as a web browser (e.g., web-based e-mail). The consumer does not manage or control the underlying infrastructure or the individual application capabilities.

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things, act as a gateway for accessing training at DHS and record training information when a user has completed a course. Additionally, it is expected to replace nine disparate learning management systems with one unified system.

- *Performance management.* The performance management capabilities are intended to move DHS's existing primarily paper-based performance management processes into an electronic environment and capture performance-related information throughout the performance cycle (e.g., recording performance expectations discussed at the beginning of the rating period and performance ratings at the end of it).

Each component is responsible for its own PALMS implementation project, and is expected to issue a task order using a blanket purchase agreement that was established in May 2013 with an estimated value of \$95 million.<sup>15</sup> Before implementing PALMS, each component is completing a fit-gap assessment to, among other things, identify any requirements and critical processes that cannot be met by the preconfigured, commercial off-the-shelf system. If such component-specific requirements are identified, the component must then decide whether to have the vendor customize the system.

The headquarters PALMS program management office (PMO) is responsible for overseeing the implementation projects across the department. Additionally, OCIO is the Component Acquisition Executive responsible for overseeing PALMS.<sup>16</sup>

In addition to implementing projects intended to address the strategic improvement opportunities in the blueprint, the HRIT investment also carried out the following two projects that were not included in the blueprint:

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<sup>15</sup>A blanket purchase agreement is a method of filling anticipated repetitive needs for supplies or services by establishing "charge accounts" with qualified sources of supply. These agreements between agencies and vendors have terms in place for future use and agencies issue individual orders to fulfill requirements for goods and services as they arise; funds are obligated when orders are placed.

<sup>16</sup>Component Acquisition Executives are the senior acquisition officials within the components, responsible for, among other things, acting as the acquisition decision authority for Level 3 programs and establishing component-level acquisition policy and processes.



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- **Balanced Workforce Assessment Tool:** This project provided an enterprise-wide tool to automate the formerly paper-based balanced workforce strategy process to determine the appropriate mix of federal employees and contractor employees required to fulfill a specific work function in the government. DHS deployed this tool beginning in September 2013.
  - **Workers Compensation – Medical Case Management Services:** This project provided an enterprise-wide contract to enable nurses to execute case management processes and facilitate the case management activities to be performed by DHS human resources staff. As part of this, the project provided access to a web application where DHS workers' compensation coordinators could work on cases with nurses. As of March 2015, the tool had been implemented at six components.

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## Best Practices for Planning and Managing IT Acquisition Programs

Entities such as the Project Management Institute, the Software Engineering Institute at Carnegie Mellon University, and GAO have developed and identified best practices to help guide organizations to effectively plan and manage their acquisitions of major IT systems.<sup>17</sup> Our prior reviews have shown that proper implementation of such practices can significantly increase the likelihood of delivering promised system capabilities on time and within budget.<sup>18</sup> These practices include, but are not limited to:

- **Project planning:** Establishes project objectives and outlines the course of action required to attain those objectives. It also provides a means to track, review, and report progress and performance of the project by defining project activities and developing cost and schedule estimates, among other things.

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<sup>17</sup>Software Engineering Institute, *Capability Maturity Model® Integration for Acquisition (CMMI-ACQ), Version 1.3* (Pittsburgh, Pa.: November 2010); Project Management Institute, Inc., *A Guide to the Project Management Body of Knowledge (PMBOK® Guide), Fifth Edition* (Newton Square, Pa.: 2013); and GAO, *Executive Guide: Information Technology Investment Management, A Framework for Assessing and Improving Process Maturity*, GAO-04-394G (Washington, D.C.: March 2004).

<sup>18</sup>See, for example, GAO, *Information Technology: Foundational Steps Being Taken to Make Needed FBI Systems Modernization Management Improvements*, GAO-04-842 (Washington, D.C.: Sept. 10, 2004) and *Information Technology: FBI Is Implementing Key Acquisition Methods on Its New Case Management System, but Related Agencywide Guidance Needs to Be Improved*, GAO-08-1014 (Washington, D.C.: Sept. 23, 2008).

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- **Project monitoring and control:** Provides an understanding of the project's progress, so that appropriate corrective actions can be taken if performance deviates from plans. Effective practices in this area include, among other things, determining progress against the program plan and conducting program management reviews.
  - **Risk management:** Establishes a process for anticipating problems and taking appropriate steps to mitigate risks and minimize their impact on program commitments. It involves identifying and documenting risks, categorizing them based on their estimated impact, prioritizing them, developing risk mitigation strategies, and tracking progress in executing the strategies.
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### DHS Has Made Very Little Progress in Implementing HRIT; Investment Lacked Effective Management

DHS has made very little progress in delivering planned HRIT capabilities, such as end-to-end hiring and payroll action processing. While the vast majority of HRIT capabilities (called strategic improvement opportunities) were to be delivered by June 2015, only 1 has been fully implemented, and the completion dates for the other 14 are currently unknown. These delays are largely due to unplanned resource changes and the lack of involvement from the executive oversight committee. In addition, the department did not effectively manage the investment. For example, DHS did not update or maintain the HRIT schedule, have a life-cycle cost estimate, or track all associated costs. Moreover, the strategic planning document—referred to as the Human Capital Segment Architecture Blueprint—has not been updated in approximately 4.5 years and, as a result, the department does not know whether it is reflective of current priorities and goals. As a result of DHS's ineffective management and limited progress in implementing this investment, the department is unaware of when critical weaknesses in the department's human capital environment will be addressed, which is, among other things, impacting DHS's ability to reduce duplication and carry out its mission.

### Limited Progress Has Been Made in Implementing HRIT

DHS has made very limited progress in addressing the 15 strategic improvement opportunities and the 77 associated projects included in HRIT. According to the Human Capital Segment Architecture Blueprint, DHS planned to implement 14 of the 15 strategic improvement opportunities and 68 of the 77 associated projects by June 2015; and the remaining improvement opportunity and 9 associated projects by December 2016. However, as of November 2015, DHS had fully implemented only 1 of the strategic improvement opportunities, which included 2 associated projects. This improvement opportunity established an enterprise-wide governance process for evaluating HRIT projects and

proposals prior to funding them. This process is referred to as the investment intake process and is intended to help encourage the use of enterprise-level investments, rather than component-specific investments, by preventing components from investing in duplicative systems when an existing DHS capability can meet a particular business need. Table 2 summarizes the implementation status and planned completion dates of the strategic improvement opportunities—listed in the order of DHS’s assigned priority—as of November 2015.

**Table 2: Status and Planned Completion Dates for Implementing the 15 Strategic Improvement Opportunities, as of November 2015**

Strategic improvement opportunity name (number of associated projects)	Status	Original planned completion date in Human Capital Segment Architecture Blueprint <sup>a</sup>	Current expected completion date
1. Data management and sharing (5)	●	September 2014	Unknown
2. Performance measures tracking and reporting (3)	○	December 2012	Unknown
3. Personnel action processing (10)	●	September 2013	Unknown
4. Human resources document management (8)	●	September 2014	Unknown
5. End-to-end hiring (9)	○	December 2016	Unknown
6. Performance management (3)	●	December 2012	Unknown
7. Off-boarding process (1)	○	December 2012	Unknown
8. Policy issuances and clarification (4)	○	June 2015	Unknown
9. Payroll action processing (6)	●	June 2014	Unknown
10. Human Resources Information Technology deployment process (4)	○	September 2012	Unknown
11. Knowledge management (7)	○	December 2014	Unknown
12. Training (4)	○	June 2015	Unknown
13. Communication and collaboration among components (5)	○	December 2012	Unknown
14. On-boarding process (6)	○	December 2012	Unknown
15. Human Resources Information Technology intake process (2)	●	December 2011	Implemented in October 2011

Key: ● Fully implemented, meaning that the objective of the opportunity area was met. ○ Partially implemented, meaning that officials identified at least one project that was underway or completed related to the opportunity area, but did not report that the opportunity area was fully implemented. ○ Not yet started, meaning that officials did not identify any projects that were underway or completed related to the opportunity area.

Source: GAO analysis of data provided by DHS officials. | GAO-10-253.

<sup>a</sup>These dates reflect the last month of the quarter in which the strategic improvement opportunities were planned to be complete, as identified in the Human Capital Segment Architecture Blueprint.

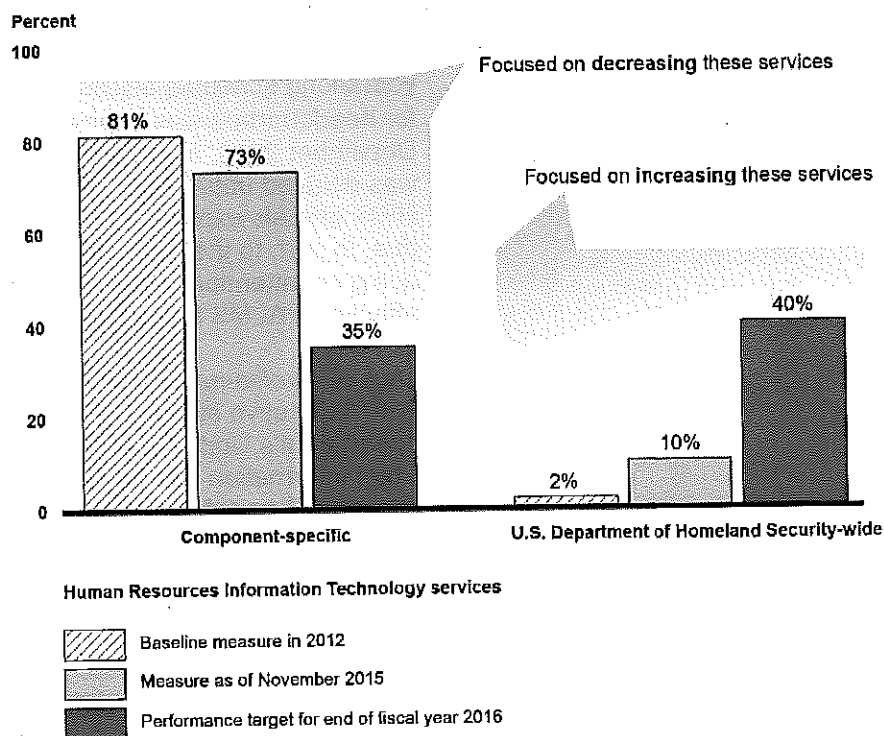
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DHS has partially implemented five of the other strategic improvement opportunities, but it is unknown when they will be fully addressed. For example, DHS's PALMS program is intended to fully address the blueprint's strategic improvement opportunity for Performance Management; however, while progress to implement PALMS has been made, many actions remain before it can be fully implemented and it is unknown when those actions will be taken (discussed in more detail later). Further, HRIT officials stated that DHS has not yet started to work on the remaining nine improvement opportunities, and the officials did not know when they would be addressed.

Additionally, DHS developed an HRIT strategic plan for fiscal years 2012 through 2016 that outlined the investment's key goals and objectives, including reducing duplication and improving efficiencies in the department's human resources processes and systems. The strategic plan identified, among other things, two performance metrics and associated targets for delivering human resources IT services across DHS. These performance metrics were focused on reductions in the number of component-specific human resources IT services provided and increases in the number of department-wide HRIT services provided by the end of fiscal year 2016.

However, DHS has also made limited progress in achieving these two performance targets. Figure 2 provides a summary of HRIT's progress towards achieving its service delivery performance targets.

**Figure 2: Human Resources Information Technology's Progress towards Achieving Its Performance Targets, as of November 2015**



Source: GAO analysis of data provided by U.S. Department of Homeland Security officials. | GAO-10-253

Specifically,

- DHS's goal is to reduce its component-specific HRIT services by 46 percent—from 81 percent to 35 percent—however, it had reduced these services by 8 percent as of November 2015, according to OCHCO officials.
- Additionally, while DHS is aiming to increase its DHS-wide HRIT services by 38 percent—from 2 percent to 40 percent—as of November 2015, OCHCO officials stated that the department had increased these services by 8 percent.

Key causes for DHS's lack of progress in implementing HRIT and its associated strategic improvement opportunities include unplanned resource changes and the lack of involvement of the HRIT executive steering committee. These causes are discussed in detail below:

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- *Unplanned resource changes.* DHS elected to dedicate the vast majority of HRIT's resources to implementing PALMS and addressing its problems, rather than initiating additional HRIT strategic improvement opportunities. Specifically, PALMS—which began in July 2012—experienced programmatic and technical challenges that led to years-long schedule delays.<sup>19</sup> For example, while the PALMS system for headquarters was originally planned to be delivered by a vendor in December 2013, as of November 2015, the expected delivery date was delayed until the end of February 2016—an over 2-year delay. HRIT officials explained the decision to focus primarily on PALMS was due, in part, to the investment's declining funding stream. However, in doing so, attention was concentrated on the immediate issues affecting PALMS and diverted from the longer-term HRIT mission.
  - *Lack of involvement of the HRIT executive steering committee.* The HRIT executive steering committee—which is chaired by the department's Under Secretary for Management and co-chaired by the Chief Information Officer and Chief Human Capital Officer—is intended to be the core oversight and advisory body for all DHS-wide matters related to human capital IT investments, expenditures, projects, and initiatives. In addition, according to the committee's charter, the committee is to approve and provide guidance on the department's mission, vision, and strategies for the HRIT program.

However, the executive steering committee only met once from September 2013 through June 2015—in July 2014—and was minimally involved with HRIT for that almost 2 year period. It is important to note that DHS replaced its Chief Information Officer (the executive steering committee's co-chair) in December 2013—during this gap in oversight. Also during this time period HRIT's only ongoing program—PALMS—was experiencing significant problems, including schedule slippages and frequent turnover in its program manager position (i.e., PALMS had five different program managers during the time that the HRIT executive steering committee was minimally

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<sup>19</sup>PALMS PMO officials attributed these slippages to multiple causes, including, among other things, the vendor's commercial off-the-shelf system not meeting certain requirements that it was expected to meet, thereby requiring the vendor to customize the system to meet those requirements. As of November 2015, according to PALMS headquarters PMO officials, DHS had 483 baseline requirements, 32 of which needed customizations, and 5 of these 32 requirements still needed to be fully addressed by the vendor. DHS expected these requirements to be met by the end of February 2016.

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involved). As a result of the executive steering committee not meeting, key governance activities were not completed on HRIT. For example, the committee did not approve HRIT's notional operational plan for fiscal years 2014 through 2019.<sup>20</sup> OCHCO and OCIO officials attributed the lack of HRIT executive steering committee meetings and committee involvement in HRIT to the investment's focus being only on the PALMS program to address its issues, as discussed earlier. However, by not regularly meeting and providing oversight during a time when a new co-chair for the executive steering committee assumed responsibility and PALMS was experiencing such problems, the committee's guidance to the troubled program was limited.

More recently, the HRIT executive steering committee met in June and October 2015, and OCIO and OCHCO officials stated that the committee planned to meet quarterly going forward. However, while the committee's charter specified that it meet on at least a monthly basis for the first year, the charter does not specify the frequency of meetings following that year. Furthermore, the committee's charter has not been updated to reflect the increased frequency of these meetings.

As a result of the limited progress in implementing HRIT, DHS is unaware of when critical weaknesses in the department's human capital environment will be addressed, which is, among other things, impacting DHS's ability to carry out its mission. For example, the end-to-end hiring strategic improvement opportunity (which has an unknown implementation date) was intended to streamline numerous systems and multiple hand-offs in order to more efficiently and effectively hire appropriately skilled personnel, thus enabling a quicker response to emergencies, catastrophic events, and threats. As another example, the data management and sharing strategic improvement opportunity (which also has an unknown implementation date) was intended to enable the department to have visibility of all its employees, to improve its ability to strategically manage its workforce, and best deploy people in support of DHS missions. Therefore, until HRIT's executive steering committee effectively carries out its oversight responsibility, DHS will be limited in its ability to improve HRIT investment results and accountability.

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<sup>20</sup>HRIT's notional operational plan for fiscal years 2014 through 2019 identified the high-level projects and activities that HRIT planned to fund each year and the planned phase of each project (e.g., planning, acquisition, operations and maintenance).

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## HRIT Lacked a Current Schedule, Life-Cycle Cost Estimate, and Cost Tracking

### DHS Did Not Update or Maintain the HRIT Schedule

According to the GAO Schedule Assessment Guide, a key activity in effectively managing a program and ensuring progress is establishing and maintaining a schedule estimate. Specifically, a well maintained schedule enables programs to gauge progress, identify and resolve potential problems, and forecast dates for program activities and completion of the program.<sup>21</sup>

In August 2011, DHS established initiation and completion dates for each of the 15 strategic improvement opportunities within the Human Capital Segment Architecture Blueprint. Additionally, HRIT developed a slightly more detailed schedule for fiscal years 2014 through 2021 that updated planned completion dates for aspects of some strategic improvement opportunities, but not all.

However, DHS did not update and maintain either schedule after they were developed. Specifically, neither schedule was updated to reflect that DHS did not implement 13 of the 15 improvement opportunities by their planned completion dates—several of which should have been implemented over 3 years ago. HRIT officials attributed the lack of schedule updates to the investment's focus shifting to the PALMS program when it started experiencing significant schedule delays. Without developing and maintaining a current schedule showing when DHS plans to implement the strategic improvement opportunities, DHS and Congress will be limited in their ability to oversee and ensure DHS's progress in implementing HRIT.

### HRIT Did Not Have a Life-Cycle Cost Estimate

OMB requires that agencies prepare total estimated life-cycle costs for information technology investments.<sup>22</sup> Program management best practices also stress that key activities in planning and managing a program include establishing a life-cycle cost estimate and tracking costs

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<sup>21</sup>GAO-16-89G.

<sup>22</sup>OMB, *Fiscal Year 2016, Capital Planning Guidance* (Washington, D.C.: May 2014).



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expended.<sup>23</sup> A life-cycle cost estimate supports budgetary decisions and key decision points, and should include all costs for planning, procurement, and operations and maintenance of a program.<sup>24</sup>

OCHCO officials stated that a draft life-cycle cost estimate for HRIT was developed, but that it was not completed or finalized because detailed projects plans for the associated projects had not been developed or approved. According to the HRIT blueprint, OCHCO roughly estimated that implementing all of the projects could cost up to \$120 million. However, the blueprint specifies that this figure did not represent the life-cycle cost estimate; rather it was intended to be a preliminary estimate to initiate projects. Without a life-cycle cost estimate, DHS has limited information about how much it will cost to implement HRIT, which hinders the department's ability to, among other things, make budgetary decisions and informed milestone review decisions.

#### DHS Did Not Track All Costs Incurred on HRIT

According to CMMI-ACQ and the PMBOK® Guide, programs should track program costs in order to effectively manage the program and make resource adjustments accordingly. In particular, tracking and monitoring costs enables a program to recognize variances from the plan in order to take corrective action and minimize risk.<sup>25</sup>

However, DHS has not tracked the total actual costs incurred on implementing HRIT across the enterprise to date. Specifically, while the investment received line item appropriations for fiscal years 2005 through 2015 which totaled at least \$180 million,<sup>26</sup> DHS was unable to provide all cost information on HRIT activities since it began in 2003, including all government-related activities and component costs that were financed through the working capital fund, which, according to DHS officials from multiple offices, were provided separately from the at least \$180 million

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<sup>23</sup>CMMI-ACQ, *Project Planning and Project Monitoring and Control Process Areas*; PMBOK® Guide, *Project Cost Management*; and GAO-09-3SP.

<sup>24</sup>GAO-09-3SP.

<sup>25</sup>CMMI-ACQ, *Project Monitoring and Control Process Area*; PMBOK® Guide, *Project Cost Management*.

<sup>26</sup>Appropriations acts passed for fiscal years 2003 through 2004 did not include a line item appropriating specific funds to HRIT and DHS officials were unaware of how much had been appropriated for those years.

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appropriated specifically to HRIT.<sup>27</sup> OCHCO officials attributed the lack of cost tracking to, among other things, the investment's early reliance on contractors to track costs, and said that the costs were not well maintained nor centrally tracked, and included incomplete component-provided cost information. The components were also unable to provide us with complete information. For example,

- FEMA officials stated that it would require a significant administrative effort to identify how much it has spent on HRIT since inception in 2003 because of the way their financial system obligates and expends funds for Working Capital Fund activities.
- USCG officials also said that compiling its expenditure information for fiscal years 2003-2009 would require a substantial administrative effort, including reviewing a significant number of paper files.
- USCIS was unable to identify its HRIT-related expenditures for fiscal years 2003-2010.

Without tracking all costs associated with HRIT, including components' costs, stakeholders are limited in making informed resource decisions, and DHS cannot provide complete and accurate information to assist congressional oversight.

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### HRIT's 2011 Blueprint May Not Be Valid and Reflective of DHS's Current Priorities and Goals

According to the HRIT executive steering committee's charter, the Under Secretary for Management (as the chair of the committee) is to ensure that the department's human resources IT business needs are met, as outlined in the blueprint. Additionally, according to the GPRA (Government Performance and Results Act) Modernization Act of 2010, agency strategic plans should be updated at least every 4 years. While this is a legal requirement for agency strategic plans (the Human Capital Segment Architecture blueprint does not fall under the category of an "agency strategic plan"), it is considered a best practice for other strategic planning documents, such as the blueprint.

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<sup>27</sup>The working capital fund is available to DHS for expenses and equipment necessary for maintenance and operations of administrative services that the Secretary of Homeland Security determines would be performed more advantageously as central services. Pub. L. No. 108-90, 117 Stat. 1137, 1153, § 506 (2003).

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However, the department issued the blueprint in August 2011 (approximately 4.5 years ago) and has not updated it since. As a result, the department does not know whether the remaining 14 strategic improvement opportunities and associated projects that it has not fully implemented are still valid and reflective of DHS's current priorities, and are appropriately prioritized based on current mission and business needs. Additionally, DHS does not know whether new or emerging opportunities or business needs need to be addressed.

Officials stated that the department is still committed to implementing the blueprint, but agreed that it should be re-evaluated. To this end, following a meeting we had with DHS's Under Secretary for Management in October 2015, in which we expressed concern about HRIT's lack of progress, OCHCO and OCIO officials stated that HRIT was recently asked by the Deputy Under Secretary of Management in late October 2015 to re-evaluate the blueprint's strategic improvement opportunities and to determine the way forward for those improvement opportunities and the HRIT investment. However, officials did not know when this re-evaluation and a determination for how to move forward with HRIT would occur, or be completed.

Further, according to OCIO officials, DHS has not updated its complete systems inventory since it was originally developed as part of the blueprint effort, in response to a 2010 Office of Inspector General report that stated that DHS had not identified all human resource systems at the components. This report also emphasized that without an accurate inventory of human resource systems, DHS cannot determine whether components are using redundant systems.<sup>28</sup> Moreover, OCIO officials were unable to identify whether and how its inventory of human resources systems had changed.

Until DHS establishes time frames for re-evaluating the blueprint to reflect DHS's HRIT current priorities and updates its human resources system inventory, the department will be limited in addressing the inefficient human resources environment that has plagued the department since it was first created.

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<sup>28</sup>DHS Office of Inspector General, *Management Oversight and Component Participation Are Necessary to Complete DHS' Human Resource Systems Consolidation Effort*, OIG-10-99 (July 2010).

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## DHS Justified Its Investment in the PALMS Program

DHS took several steps to justify its investment in the PALMS program for both of the program's two main purposes (the learning management capabilities and the performance management capabilities) through multiple mechanisms. Specifically, although existing DHS guidance did not require an analysis of alternatives<sup>29</sup> for PALMS because it is a Level 3 acquisition program,<sup>30</sup> the department initiated such an analysis in 2010 to identify recommended approaches for pursuing a commercial off-the-shelf learning management system to replace the components' nine existing learning systems. According to the analysis of alternatives, the nine systems at the department were disconnected from each other and did not exchange information. The components had independently purchased these learning management systems and, in some cases, had done so before DHS was established in 2002. However, DHS determined that a unified strategy for learning management systems at the department was needed, rather than disparate, component-centric efforts. In particular, DHS determined that such a strategy was necessary to provide, among other things, improved reporting, greater automation, less duplication and redundancy of training courses, better governance, and streamlined IT infrastructure.

The analysis of alternatives, which was performed by the Homeland Security Studies and Analysis Institute,<sup>31</sup> included, among other things, an assessment of six alternative approaches, including status quo, implementation of two systems from separate vendors (allowing components to choose which system to use), and implementation of a single system (either centrally managed by DHS or individually managed by each component). As part of the analysis, the Institute assessed the alternative approaches based on five evaluative categories, including cost, benefits, and risks. Based on the analysis of alternatives process, the institute recommended that DHS adopt a single enterprise-wide,

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<sup>29</sup>An analysis of alternatives is intended to help identify the most promising acquisition approach by comparing alternative solutions' costs and operational effectiveness.

<sup>30</sup>DHS's guidance was subsequently revised and reissued in July 2015. DHS, *DHS Acquisition Management Directive 102-01-003* (July 2015).

<sup>31</sup>The Homeland Security Studies and Analysis Institute is a federally funded research and development center that provides the government with expertise to conduct, among other things, crosscutting mission analysis, strategic studies and assessments, and operational analysis across the homeland security enterprise.

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centrally managed learning management system as the most cost-effective approach to providing such a capability to the department.

Regarding the second purpose of PALMS—enabling performance management capabilities—the August 2011 Human Capital Segment Architecture Blueprint called on DHS to conduct an analysis of alternatives to identify the preferred approach for such a solution.<sup>32</sup> Officials stated that DHS leadership ultimately determined that such an analysis for a performance management solution was unnecessary because the requirement for DHS to automate performance management functions across the department was the same as it was during DHS's prior attempt to pursue an automated performance management system for instituting pay-for-performance—an effort that was ultimately abandoned.<sup>33</sup>

Therefore, instead of conducting an analysis of alternatives on performance management system approaches for DHS enterprise-wide adoption, in January 2012, departmental leadership made an executive decision on the approach based on the findings of a December 2011 request for information from industry. In particular, the accumulated industry information highlighted that vendors for an enterprise-wide learning management solution could in most cases also provide a system that integrated performance management capabilities. This industry information validated DHS officials' understanding that a combined solution for learning and performance management at the department was consistent with prevailing industry offerings. According to OCHCO officials, the department's request for information from industry to help justify its preferred approach allowed for competition within industry for supplying a solution to the department. As part of the department's considerations, officials had determined that this competition could better

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<sup>32</sup>As discussed earlier, the blueprint included a strategic improvement opportunity for developing an enterprise-wide performance management system. The blueprint did not address the development of an enterprise-wide learning management system, as the analysis of alternatives for learning management was already in development at the time the blueprint was developed.

<sup>33</sup>DHS had stopped using this prior automated pay-for-performance, performance management system authorized by 5 U.S.C. § 9701 (the Homeland Security Act of 2002)—called MaxHR—because DHS's fiscal year 2009 Appropriations Act directed that no further funds be spent on any Human Resource Programs authorized by section 9701. Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Pub. L. No. 110-329, 122 Stat. 3574, 3684, § 522 (2008).

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help to reduce overall implementation costs for a consolidated learning and performance management system, versus adopting, without competition, one of the components' existing learning or performance management systems for DHS enterprise-wide deployment.

Additionally, OCHCO officials stated that they contacted other federal departments to determine whether existing shared services could be used by DHS to establish an integrated system for learning and performance management, but DHS determined that other departments' contracts with service providers could not be modified to allow DHS to use the same services.

Based on the collective results of the learning management system analysis of alternatives and the request for information from industry on performance management systems, the HRIT executive steering committee exercised its executive decision-making authority and decided that an integrated, enterprise-wide learning and performance management system should be pursued for adoption at the department. DHS's integrated solution is now being implemented by the PALMS program. By providing the executive steering committee with enough information for determining this preferred approach for the department, DHS justified its investment in the PALMS program.

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**Selected PALMS Capabilities Have Been Deployed to Headquarters and Two Components; but Full Implementation at Four Components Is Not Currently Planned**

As previously mentioned, PALMS is intended to provide an enterprise-wide system that offers performance management capabilities, as well as learning management capabilities to headquarters and each of its components. As such, DHS headquarters PMO and the components estimate that, if fully implemented across DHS, PALMS's learning management capabilities would be used by approximately 309,360 users, and its performance management capabilities would be used by at least 217,758 users. Table 3 identifies the total estimated number of planned users for both PALMS's learning management capabilities and performance management capabilities if PALMS is fully implemented department-wide.

**Table 3: Estimated Number of Performance and Learning Management System (PALMS) Planned Users at Each Component if Fully Implemented, as of November 2015**

Component	Estimated number of planned learning management users	Estimated number of planned performance management users
Federal Emergency Management Agency	14,000	To be determined – at least ~8,400 <sup>a</sup>
Federal Law Enforcement Training Center	2,000	1,200
Headquarters	41,500	41,500
Transportation Security Administration	70,000 <sup>b</sup>	59,158 <sup>b</sup>
U.S. Citizenship and Immigration Services	24,000	14,000
U.S. Coast Guard	60,000 <sup>b, c</sup>	8,000 <sup>b</sup>
U.S. Customs and Border Protection	67,360	60,000
U.S. Immigration and Customs Enforcement	24,000	19,000 <sup>a, b</sup>
U.S. Secret Service	6,500	6,500
<b>Total</b>	<b>309,360</b>	<b>217,758</b>

Source: Data provided by DHS officials. | GAO-16-253

<sup>a</sup>As of November 2015, Federal Emergency Management Agency and U.S. Immigration and Customs Enforcement officials stated that they were not currently planning to implement the performance management capabilities of PALMS. However, if the Federal Emergency Management Agency decides at a later date to implement PALMS, officials stated that the number of users would be ~8,400, but would be substantially more if the system is able to accommodate the component's performance management requirements for Reservists, which are a type of incident management responder, hired as temporary, intermittent employees.

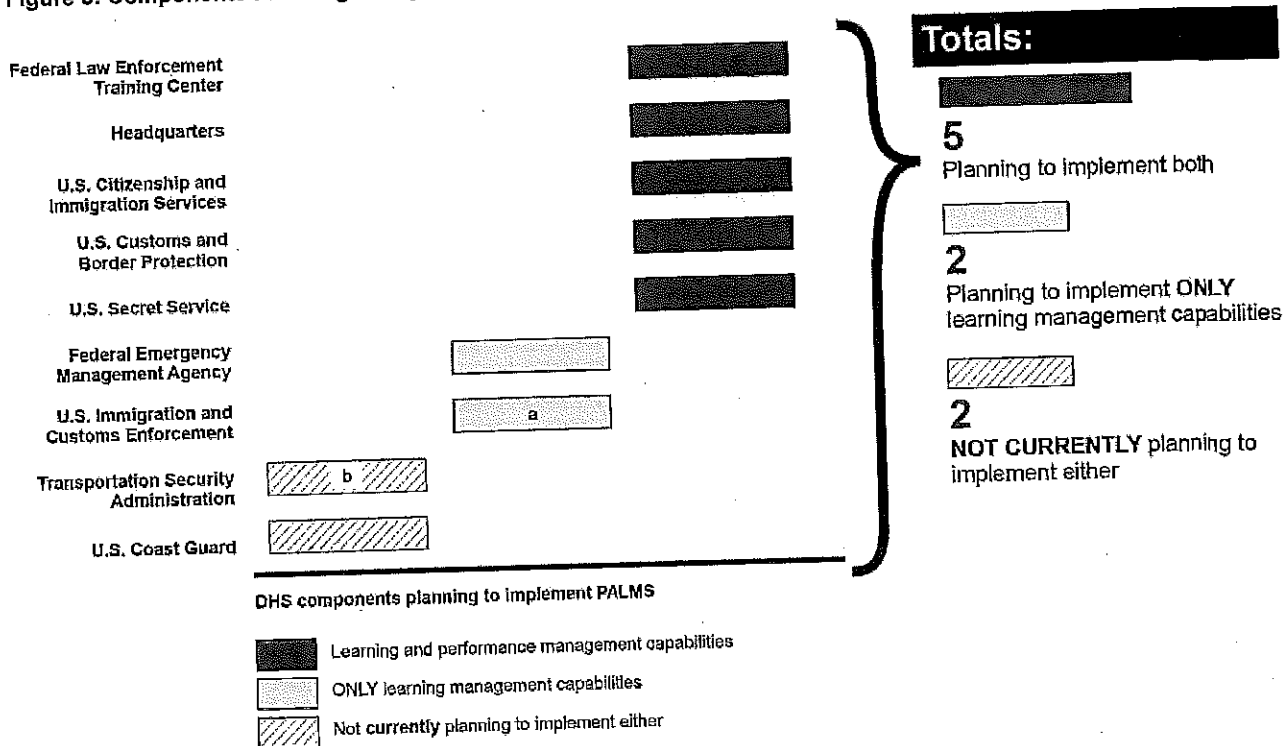
<sup>b</sup>As of November 2015, officials from these components stated that their components were not currently planning to implement either the learning or performance management capabilities of PALMS. These user estimates from Transportation Security Administration and U.S. Coast Guard officials represent those components' users if they decide to implement PALMS. According to Transportation Security Administration officials, as of January 2016, the administration was in the process of conducting its fit-gap analysis to determine whether it will implement PALMS's learning and/or performance management capabilities. Officials expected the fit-gap assessment to be completed by the end of March 2016. U.S. Immigration and Customs Enforcement officials stated that they are waiting for the vendor to demonstrate that all requirements have been met—which is expected to occur by the end of February 2016.

<sup>c</sup>According to officials, the estimate of 60,000 learning management users includes U.S. Coast Guard's military users; if PALMS is unable to meet these users' requirements, then the planned number of users is 8,500 (if U.S. Coast Guard decides to implement PALMS for these users—see footnote b above).

However, there is uncertainty about whether the PALMS system will be used enterprise-wide to accomplish these goals. Specifically, as of November 2015, of the eight components and headquarters, five are planning to implement both PALMS's learning and performance management capabilities (three of which have already implemented the

learning management capabilities—discussed later), two are planning to implement only the learning management capabilities, and two components are not currently planning to implement either of these PALMS capabilities, as illustrated in figure 3.

**Figure 3: Components Planning to Implement Performance and Learning Management System (PALMS), as of November 2015**



Source: GAO analysis of data provided by U.S. Department of Homeland Security (DHS). | GAO-16-253

<sup>a</sup>U.S. Immigration and Customs Enforcement officials stated that, before they will decide whether to implement PALMS's performance management capabilities, they are waiting for the vendor to demonstrate that all requirements have been met—which is expected to occur by the end of February 2016.

<sup>b</sup>According to Transportation Security Administration officials, as of January 2016, the administration was in the process of conducting its fit-gap analysis to determine whether it will implement PALMS's learning and/or performance management capabilities. Officials expected the fit-gap assessment to be completed by the end of March 2016.



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Officials from FEMA, TSA, ICE, and the USCG cited various reasons for why they were not currently planning to fully implement PALMS, which include:

- FEMA and ICE officials stated that they were not currently planning to implement the performance management capabilities because the program had experienced critical deficiencies in meeting the performance management-related requirements. FEMA officials stated that they do not plan to make a decision on whether they will or will not implement these performance management capabilities until the vendor can demonstrate that the system meets FEMA's needs; as such, FEMA officials were unable to specify a date for when they plan to make that decision. ICE officials also stated that they do not plan to implement the performance management capabilities of PALMS until the vendor can demonstrate that all requirements have been met. PALMS headquarters PMO officials expected all requirements to be met by the vendor by the end of February 2016.
- TSA officials stated that they were waiting on the results of their fit-gap assessment<sup>34</sup> of PALMS before determining whether, from a cost and technical perspective, TSA could commit to implementing the learning and/or performance management capabilities of PALMS. TSA officials expected the fit-gap assessment to be completed by the end of March 2016.
- USCG officials stated that, based on the PALMS schedule delays experienced to date, they have little confidence that the PALMS vendor could meet the component's unique business requirements prior to the 2018 expiration of the vendor's blanket purchase agreement. Additionally, these officials stated that the system would not meet all of its learning management requirements for about 31,000 auxiliary volunteer members and certain other employee groups. Further, although the fit gap assessment for implementing PALMS at USCG had not been fully completed, the component's officials stated that the system would likely not fully meet the performance management requirements for all of USCG's military

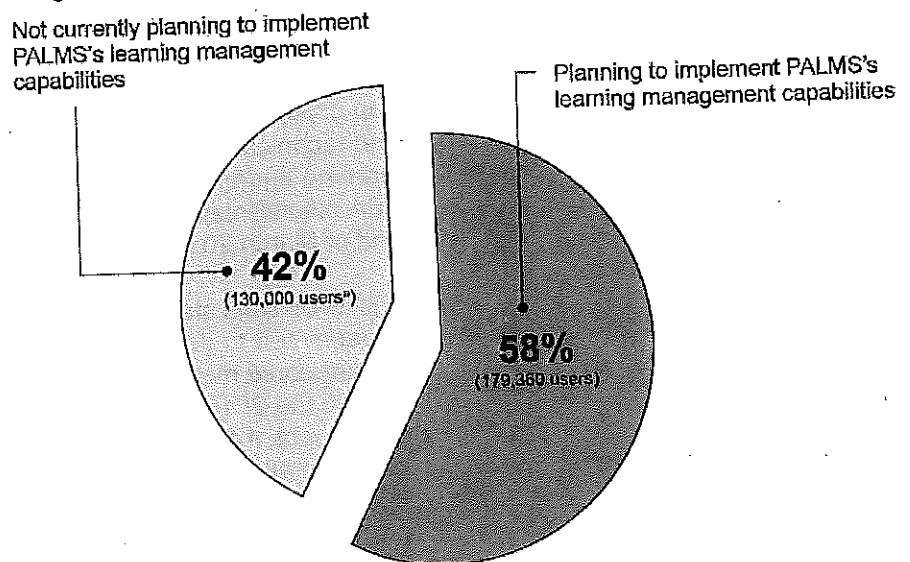
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<sup>34</sup>Before implementing PALMS, each component is completing a fit-gap assessment to, among other things, identify any requirements and critical processes that cannot be met by the preconfigured, commercial off-the-shelf system. If such component-specific requirements are identified, the component must then decide whether to have the vendor customize the system.

components. Due to the component's uncertainty, the officials were unable to specify when they plan to ultimately decide on whether they will implement one or both aspects of PALMS.

As a result, it is unlikely that the department will reach its expected user estimates as presented in table 3, and meet its goal of being an enterprise-wide system. Specifically, as of November 2015, the components estimate 179,360 users will use the learning management capabilities of PALMS (not the 309,360 expected, if fully implemented). Figure 4 shows the percentage of expected users from components currently planning to implement PALMS's learning management capabilities in comparison to the total expected users if PALMS was fully implemented, as of November 2015.

**Figure 4: Percentage of Total Expected Users from Components Planning to Implement the Learning Management Capabilities of Performance and Learning Management System (PALMS), as of November 2015**

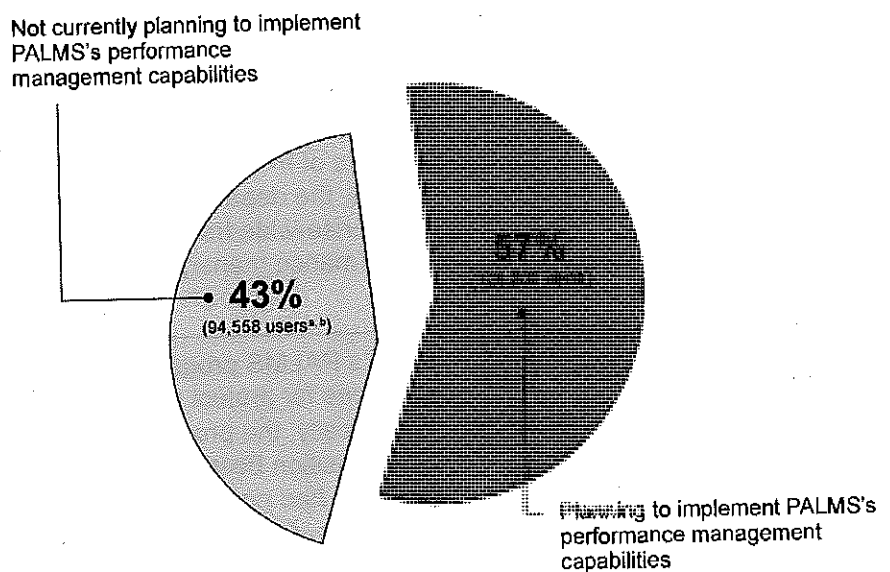


Source: GAO analysis of data provided by U.S. Department of Homeland Security officials. | GAO-16-253

<sup>a</sup>According to Transportation Security Administration officials, as of January 2016, the administration was in the process of conducting its fit-gap analysis to determine whether it will implement PALMS's learning and/or performance management capabilities. Officials expected the fit-gap assessment to be completed by the end of March 2016. U.S. Immigration and Customs Enforcement officials stated that they are waiting for the vendor to demonstrate that all requirements have been met—which is expected to occur by the end of February 2016.

Additionally, as of November 2015, the components estimate 123,200 users will use the performance management capabilities of PALMS (not the 217,758 expected, if fully implemented). Figure 5 shows the percentage of expected users from components planning to implement PALMS's performance management capabilities in comparison to the total expected user estimate if fully implemented as intended.

**Figure 5: Percentage of Total Expected Users from Components Planning to Implement the Performance Management Capabilities of Performance and Learning Management System (PALMS), as of November 2015**



Source: GAO analysis of data provided by U.S. Department of Homeland Security officials. | GAO-16-253

<sup>a</sup>If the Federal Emergency Management Agency were to implement PALMS's performance management capabilities, officials stated that the number of users would be approximately 8,400, but would be substantially more if the system is able to accommodate the component's performance management requirements for its Reservists.

<sup>b</sup>According to Transportation Security Administration officials, as of January 2016, the administration was in the process of conducting its fit-gap analysis to determine whether it will implement PALMS's learning and/or performance management capabilities. Officials expected the fit-gap assessment to be completed by the end of March 2016. U.S. Immigration and Customs Enforcement officials stated that they are waiting for the vendor to demonstrate that all requirements have been met—which is expected to occur by the end of February 2016.

Of the seven components and headquarters that are currently planning to implement the learning and/or performance management aspects of PALMS, three have completed their implementation efforts of the learning management capabilities and deployed these capabilities to users

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(deployed to CBP in July 2015, headquarters in October 2015, and FLETC in December 2015); two have initiated their implementation efforts on one or both aspects, but not completed them; and two have not yet initiated any implementation efforts, as of November 2015.

As a result, PALMS's current trajectory is putting the department at risk of not meeting its goals to perform efficient, accurate, and comprehensive tracking and reporting of training and performance management data across the enterprise; and consolidating its nine learning management systems down to one. Accordingly, until FEMA decides whether it will implement the performance management capabilities of PALMS and USCG decides whether it will implement the learning and/or performance management capabilities of PALMS, the department is at risk of implementing a solution that does not fully address its problems. Moreover, until DHS determines an alternative approach if one or both aspects of PALMS is deemed not feasible for ICE, TSA, FEMA or the USCG, the department is at risk of not meeting its goal to enable enterprise-wide tracking and reporting of employee learning and performance management.

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## **PALMS Program Had Made Mixed Progress in Implementing Key IT Acquisition Best Practices**

HRIT's PALMS program varied in its implementation of IT acquisition best practices for project planning, project monitoring, and risk management.<sup>35</sup> Specifically, the program management office had implemented selected IT acquisition best practices in each of these areas; however, the program had not developed complete life-cycle cost and schedule estimates. Additionally, the PALMS PMO did not monitor total costs spent on the program or consistently document the results from progress and milestone reviews. Further, the program management office had not fully implemented selected risk management practices. Without fully implementing effective acquisition management practices, DHS is limited in monitoring and overseeing the implementation of PALMS, ensuring that the department obtains a system that improves its performance management and learning management weaknesses, reduces duplication, and delivers within cost and schedule commitments.

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<sup>35</sup> CMMI-ACQ; PMBOK® Guide; GAO-09-3SP; and GAO-16-89G.

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DHS and the PALMS PMO  
Had Not Fully  
Implemented Selected  
Project Planning Best  
Practices

PALMS Lacked a Life-Cycle  
Cost Estimate

According to GAO's Cost Estimating and Assessment Guide, having a complete life-cycle cost estimate is a critical element in the budgeting process that helps decision makers to evaluate resource requirements at milestones and other important decision points.<sup>36</sup> Additionally, a comprehensive cost estimate should include both government and contractor costs of the program over its full life cycle, from inception of the program through design, development, deployment, and operation and maintenance to retirement of the program.

However, according to PALMS PMO officials, they did not develop a life-cycle cost estimate for PALMS. In 2012 DHS developed an independent government cost estimate to determine the contractor-related costs to implement the PALMS system across the department (estimated to be approximately \$95 million); however, this estimate was not comprehensive because it did not include government-related costs. As a result, DHS was not able to determine the impact on cost when the PALMS program experienced problems (discussed in more detail later), since the baseline cost estimate was incomplete. PALMS PMO officials stated that PALMS did not develop a life-cycle cost estimate because the program is a Level 3 acquisition program and DHS does not require such an estimate for a Level 3 program. However, while DHS acquisition policy does not require a life-cycle cost estimate for a program of this size, we maintain that such an estimate should be prepared because of the program's risk and troubled history. Without developing a comprehensive life-cycle cost estimate, DHS is limited in making future budget decisions related to PALMS.

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<sup>36</sup>GAO-09-3SP.

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## PALMS's Schedule Was Incomplete and Inaccurate

As described in GAO's Schedule Assessment Guide, a program's integrated master schedule is a comprehensive plan of all government and contractor work that must be performed to successfully complete the program. Additionally, such a schedule helps manage program schedule dependencies.<sup>37</sup> Best practices for developing and maintaining this schedule include, among other things, capturing all activities needed to do the work and reviewing the schedule after each update to ensure the schedule is complete and accurate.

While DHS had developed an integrated master schedule with the PALMS vendor, it did not appropriately maintain this schedule. Specifically, the program's schedule was incomplete and inaccurate.

- While DHS's original August 2012 schedule planned to fully deploy both the learning and performance management capabilities in one release at each component by March 2015, the program's September 2015 schedule did not reflect the significant change in PALMS's deployment strategy and time frames. Specifically, the program now plans to deploy the learning management capabilities first and the performance management capabilities separately and incrementally to headquarters and the components. However, the September 2015 schedule reflected the deployment-related milestones (per component) for only the learning management capabilities and did not include the deployment-related milestones for the performance management capabilities.

In September 2015, PALMS officials stated that the deployments related to performance management were not reflected in the program's schedule because the components had not yet determined when they would deploy these capabilities. Since then, two components have determined their planned dates for deploying these capabilities, but seven (including headquarters) remain unknown. As a result, the program does not know when PALMS will be fully implemented at all components with all capabilities. Table 4 provides a comparison of the program's initial delivery schedule, as of August 2012, to the program's latest schedule, as of November 2015.

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<sup>37</sup>GAO-16-89G.

**Table 4: Delivery Schedule Identified in Performance and Learning Management System's (PALMS) Original August 2012 Schedule and the Current Deployment Strategy and Schedule for PALMS, as of November 2015**

Component	August 2012 delivery schedule (including both learning and performance management capabilities)	Current delivery schedule for PALMS learning management capabilities	Current delivery schedule for PALMS performance management capabilities
Federal Emergency Management Agency <sup>a</sup>	September 2014	December 2016	Unknown
Federal Law Enforcement Training Center	September 2013	December 10, 2015*	Unknown
Headquarters	June 2013	October 6, 2015*	Unknown
Transportation Security Administration <sup>a</sup>	September 2013	Unknown	Unknown
U.S. Citizenship and Immigration Services	September 2014	March 2016	October 2017
U.S. Coast Guard <sup>a</sup>	March 2014	Unknown	Unknown
U.S. Customs and Border Protection	March 2015	July 13, 2015*	Unknown
U.S. Immigration and Customs Enforcement <sup>a</sup>	March 2014	April 2016	Unknown
U.S. Secret Service	September 2014	May 2016	July 2016

Source: Data provided by DHS officials. | GAO-16-253

\*Represents actual date.

<sup>a</sup>As of November 2015, the Federal Emergency Management Agency and U.S. Immigration and Customs Enforcement were not planning to implement the performance management capabilities of PALMS. Transportation Security Administration and the U.S. Coast Guard were not currently planning to implement either the learning or performance capabilities of PALMS. According to Transportation Security Administration officials, as of January 2016, the administration was in the process of conducting its fit-gap analysis to determine whether it will implement PALMS's learning and/or performance management capabilities. Officials expected the fit-gap assessment to be completed by the end of March 2016. U.S. Immigration and Customs Enforcement officials stated that they are waiting for the vendor to demonstrate that all requirements have been met—which is expected to occur by the end of February 2016.

- Moreover, the schedule did not include all government-specific activities, including tasks related to employee union activities (such as notifying employee unions and bargaining with them, where necessary) related to the proposed implementation of the

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performance management capabilities.<sup>38</sup> For example, time frames for when DHS planned to notify employee unions at DHS headquarters, FLETC, and USCIS were not identified in the schedule. In September 2015, PALMS program officials stated that certain government-specific tasks were not included in the schedule because the integrated master schedule was too big and difficult to manage, so the program decided to track certain government activities, such as union negotiation activities, separately. However, without an integrated master schedule that includes all government and contractor work that must be performed, the program is at risk of failing to ensure schedule dependencies are appropriately managed and that all essential activities are completed.

- Additionally, the August 2015 schedule had incorrect completion dates listed for key activities. For example, DHS reported in the schedule that the actual finish date for deploying the learning management capabilities of the PALMS system at CBP was February 17, 2015; however, according to CBP officials, they did not deploy these capabilities until July 2015. In September 2015, program officials acknowledged our concerns and attributed the inaccurate dates to a lack of oversight; subsequently, the program took actions to update the dates.

Without developing and maintaining a single comprehensive schedule that fully integrates all government and contractor activities, and includes all planned deployment milestones related to performance management, DHS is limited in monitoring and overseeing the implementation of PALMS, and managing the dependencies between program tasks and milestones to ensure that it delivers capabilities when expected.

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<sup>38</sup>In accordance with Title 5, Chapter 71 of the United States Code, implementing regulations and relevant Executive Order, federal agencies are to notify their unions and offer them the opportunity to negotiate on policies and practices that would affect working conditions. As such, each DHS component must determine whether implementing PALMS would affect working conditions and, if so, notify their unions.



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PALMS Had Implemented  
Selected Project  
Monitoring Best Practices,  
but Did Not Implement  
Others

The PALMS PMO Did Not  
Monitor Total Costs

According to CMMI-ACQ and the PMBOK® Guide, a key activity for tracking a program's performance is monitoring the project's costs by comparing actual costs to the cost estimate.<sup>39</sup> The PALMS PMO—which is responsible for overseeing the PALMS implementation projects across DHS, including all of its components—monitored task order expenditures on a monthly basis. As of December 2015, DHS officials reported that they had awarded approximately \$18 million in task orders to the vendor.

However, the program management office officials stated that they were not monitoring the government-related costs associated with each of the PALMS implementations. The officials stated that they were not tracking government-related implementation costs at headquarters because many of the headquarters program officials concurrently work on other acquisition projects and these officials are not required to track the amount of time spent working specifically on PALMS. The officials also said that they were not monitoring the government-related costs for each of the component PALMS implementation projects because it would be difficult to obtain and verify the cost data provided by the components. We acknowledge the department's difficulties associated with obtaining and verifying component cost data; however, monitoring the program's costs is essential to keeping costs on track and alerting management of potential cost overruns.

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<sup>39</sup>CMMI-ACQ, *Project Monitoring and Control Process Area*, and the PMBOK® Guide, *Project Cost Management*.

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The PALMS PMO Did Not Consistently Document the Results from Performance Reviews

Additionally, because DHS did not develop a comprehensive life-cycle cost estimate for PALMS that included government-related costs,<sup>40</sup> the program management office was unable to determine cost increases to the program because it could not compare actual cost values against a baseline cost estimate. For example, program officials were unable to identify how much the program's cost estimate had increased when the implementation at headquarters experienced schedule delays to address deficiencies identified during testing. Without tracking and monitoring all costs associated with PALMS, the department will be unable to compare actual costs against planned estimates and thus, will be limited in its ability to fully monitor the program, which is essential for alerting the program to possible cost overruns and prompting corrective actions.

According to CMMI-ACQ and the PMBOK® Guide, key activities in tracking a program's performance include conducting and documenting the results from progress and milestone reviews to determine whether there are significant issues or performance shortfalls that need to be addressed.<sup>41</sup>

Although the PALMS PMO conducted reviews to monitor the program's performance, it did not consistently document the results of its progress and milestone reviews. For example,

- The PALMS PMO did not document the results of the status updates that the PMO provided to DHS executives during its bi-weekly integrated project team meetings, so it is unclear whether the program was appropriately monitoring the progress of all government-specific activities.
- According to PALMS PMO officials, PALMS achieved Initial Operating Capability—which was specified in the contract to be the point when the contractor would deliver an initial set of requirements to the

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<sup>40</sup>As discussed earlier, PALMS PMO officials stated that PALMS did not develop a life-cycle cost estimate because the program is a Level 3 acquisition program and DHS does not require such an estimate for a Level 3 program; however, developing a life-cycle cost estimate is a best practice described in GAO's *Cost Estimating and Assessment Guide*. Additionally, while DHS acquisition policy does not require a life-cycle cost estimate for a program of this size, we maintain that such an estimate should be prepared because of the program's risk and troubled history.

<sup>41</sup>CMMI-ACQ, *Project Monitoring and Control Process Area*, and the PMBOK® Guide, *Project Integration Management*.

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government—in January 2015; however, the review for this major milestone was not documented. In September 2015, program officials stated that the results were not documented because this milestone did not align with the typical Initial Operating Capability milestone that is defined in DHS acquisition guidance. Specifically, DHS's guidance defines it as when capabilities are first deployed to end users (PALMS capabilities were not deployed to any users until July 2015). Nevertheless, PALMS's achieving Initial Operating Capability in January 2015 was still considered a major milestone that prompted a review. However, without documenting the results of the milestone review, it is unclear whether any action items were identified during this review and, if so, whether they have all been appropriately managed to closure.

- Although CBP officials stated that the results of their progress reviews with the vendor were typically documented, CBP was unable to provide the results of the milestone review conducted prior to deploying the PALMS learning management capabilities in July 2015. As such, it is unclear whether any action items were identified during this review and, if so, whether CBP had appropriately managed them to closure.

In the absence of documenting PALMS's progress and milestone reviews, including all issues and corrective actions discussed, the program cannot demonstrate that these issues and corrective actions are appropriately managed.

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### The PALMS PMO Had Implemented Selected Risk Management Best Practices, but Lacked Others

PALMS Was Not Regularly Tracking the Status of Its Risks and Mitigation Efforts

According to CMMI-ACQ and the PMBOK® Guide, key risk management practices include identifying risks, developing mitigation plans, and regularly tracking the status of risks and mitigation efforts.<sup>42</sup> In particular,

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<sup>42</sup>CMMI-ACQ, *Risk Management Process Area*; and the PMBOK® Guide, *Project Risk Management*.

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identifying risks and periodically reviewing them is the basis for sound and successful risk management. Additionally, risk mitigation plans should be developed and implemented when appropriate to proactively reduce the potential impact if a risk were to occur.

While PALMS officials had identified program risks, developed associated mitigation plans, and documented them in the HRIT investment-level risk log (which is intended to be the centralized log containing all PALMS risks and mitigation plans, including both government- and vendor-identified risks<sup>43</sup>), the program did not consistently maintain this log. Specifically, the PALMS risks in this log were out of date, the log did not accurately capture the status of all of the risks identified by the program, and it was unclear which risks and associated mitigation plans were being assessed on a monthly basis. For example,

- In the May 2015 risk log, 16 of the 17 active PALMS risks stated that the last time any action was taken to mitigate or close any of these risks was in 2014. However, the mitigation strategy details for 5 of these active risks included information related to decisions made in 2015. As such, it was unclear which risks and mitigation plans were regularly assessed and updated in the risk log, and when actions were last taken on each of the risks.
- One of the high-impact and high-probability risks from the May 2015 risk log stated that DHS needed to determine an interim solution for consolidating human resources-related data from DHS's components by December 2014; however, the status of this risk had not been updated since August 2014 and it was unclear whether this was still a risk or had been realized as an issue.

Additionally, while the HRIT investment-level risk management plan identified that the PALMS program was to, among other things, generate weekly status reports to document the status of decisions made during risk review meetings and identify planned completion dates for each step of the risk mitigation plans, the program was not always complying with these processes.<sup>44</sup> For example, the program was not developing the

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<sup>43</sup>PALMS risks identified by the vendor are also documented and maintained in a separate vendor-developed risk log.

<sup>44</sup>As discussed later, the PALMS vendor also developed a separate risk management plan that documented how vendor-identified risks are to be maintained in the vendor-developed risk log.

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required weekly risk status reports or identifying planned completion dates for its risk mitigation plan steps.

Program officials acknowledged that the PALMS risks in the HRIT risk log were out of date and inaccurate, and the program was not complying with all of the documented processes in the HRIT risk management plan. Program officials attributed this to, among other things, the PMO's focus being on meeting upcoming deadlines; as such, implementing certain processes identified in the HRIT risk management plan were not a priority. However, by not carrying out these key risk management functions, program officials introduced additional risk to the program.

In October 2015 and in response to us identifying these issues, PALMS officials stated that they were in the process of validating and updating the risks and mitigation plans in the HRIT risk log to address these issues, as well as were updating their risk management processes to align with the documented processes in the HRIT risk management plan. The program completed this validation update process in October 2015; however, the updated log continued to have these issues. For example, the PALMS PMO had not yet identified the planned completion dates for each mitigation step (where appropriate). Further, this updated log—which is intended to be the program's centralized log of all government- and vendor-identified PALMS risks—did not contain all of the vendor-identified risks. For example, two component-specific risks that were identified in the vendor-maintained risk log were not included in the program's centralized risk log. As such, it is unclear whether the program is appropriately managing these risks. Until a comprehensive risk log is established that accurately captures the status of all risks (including both government- and vendor-identified risks) and mitigation plans, and includes planned completion dates for each mitigation step (where appropriate), the program is limited in effectively managing all of its risks.

**The PALMS PMO Did Not Prioritize the Program's Risks or Document Criteria for Elevating Component Risks**

According to CMMI-ACQ and PMBOK® Guide risk management best practices, effective risk management includes evaluating and categorizing risks using defined risk categories and parameters, such as probability and impact, and determining each risk's relative priority. Risk prioritization helps to determine where resources for risk mitigation can be applied to provide the greatest positive impact on the program. The parameters for evaluating, categorizing, and prioritizing risks should include defined thresholds (e.g., for cost, schedule, performance) that, when exceeded, trigger management attention and mitigation activities. These risk parameters should be documented so that they are available for

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reference throughout the life of the project and are used to provide common and consistent criteria for prompting management attention.<sup>45</sup>

While the PALMS program had categorized its risks and assigned parameters to them, including probability and impact, the program did not prioritize its risks or document criteria for elevating them to management. Specifically, the PALMS PMO did not use the assigned parameters to determine each risk's relative priority and overall risk level (i.e., high, medium, and low). PALMS officials acknowledged in June 2015 that the risks were not prioritized in the logs, but said, based on the experience of the PALMS PMO staff, officials are able to determine each risk's priority by reviewing the assigned probability and impact parameters. However, this is an inadequate method for managing risks. Specifically, it introduces unnecessary subjectivity by relying heavily on officials to make prioritization decisions, rather than using the assigned parameters to determine and document each risk's relative priority.

Additionally, the program had not documented criteria for elevating component risks to the program management office. As mentioned earlier, each component is responsible for overseeing its own PALMS implementation project, while the program management office at headquarters is responsible for overseeing the implementation projects across the department. According to program officials, as part of this effort, each component is to follow the risk management processes documented in PALMS's vendor-developed risk management plan (which is a separate plan from the HRIT-level risk management plan used by the program management office, as discussed earlier). While the PALMS vendor-developed risk management plan directed each component to track risks in a component-specific risk register, the plan did not establish criteria for when component-level risks need to be elevated to the PALMS PMO at headquarters.

In September 2015, the PALMS program manager stated that all component-level risks that are rated red (i.e., high-probability and high-impact risks) are reported to headquarters. However, this guidance was not documented and, as such, the PALMS PMO did not have reasonable assurance that the components were knowledgeable about which risks to

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<sup>45</sup>CMMI-ACQ, *Risk Management Process Area*; and the PMBOK® Guide, *Project Risk Management*.

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elevate, and whether the components were appropriately elevating such risks. Program officials were unable to explain why this criterion was not documented, but in response to our concern, the program officials directed the vendor to update the PALMS risk management plan to document this criterion; the vendor completed this update in October 2015. In particular, the plan now specifies that all component-level risks that could impact when the PALMS system is to be deployed at each of the components should be elevated to the PALMS PMO and given a priority of high.

Documenting the criteria for when risks need to be elevated to the PALMS PMO should help ensure that all appropriate risks are being elevated for review. However, until the program prioritizes its risks by determining each risk's relative priority and overall risk level, DHS is hampered in its ability to ensure that the program's attention and resources for risk mitigation are used in the most effective manner.

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## Conclusions

Although the HRIT investment was initiated about 12 years ago with the intent to consolidate, integrate, and modernize the department's human resources IT infrastructure, DHS has made very limited progress in achieving these goals. HRIT's minimally involved executive steering committee during a time when significant problems were occurring was a key factor in the lack of progress. This is particularly problematic given that the department's ability to efficiently and effectively carry out its mission is significantly hampered by its fragmented human resources system environment and duplicative and paper-based processes.

Moreover, DHS's ineffective management of HRIT, such as the lack of an updated schedule and a life-cycle cost estimate, also contributed to the neglect this investment has experienced. Until DHS, among other things, maintains a schedule, develops a life-cycle cost estimate, tracks costs, and re-evaluates and updates the Human Capital Segment Architecture blueprint, the department will continue to be plagued by duplicative systems and an inefficient and ineffective human resources environment impacting in its ability to perform its mission.

Additionally, until the PALMS program effectively addresses identified weaknesses in its project planning, project monitoring, and risk management practices and implements PALMS department-wide, DHS's performance management processes will continue to be cumbersome, time-consuming, and primarily paper-based. Further, DHS will be limited in efficiently tracking and reporting accurate, comprehensive performance

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and learning management data across the organization, and could risk further implementation delays.

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## Recommendations for Executive Action

To ensure that the HRIT investment receives necessary oversight and attention, we are recommending that the Secretary of Homeland Security direct the Under Secretary of Management take the following two actions:

- Update the HRIT executive steering committee charter to establish the frequency with which HRIT executive steering committee meetings are to be held.
- Ensure that the HRIT executive steering committee is consistently involved in overseeing and advising HRIT, including approving key program management documents, such as HRIT's operational plan, schedule, and planned cost estimate.

To address HRIT's poor progress and ineffective management, we are recommending that the Secretary of Homeland Security direct the Under Secretary of Management to direct the Chief Human Capital Officer to direct the HRIT investment take the following six actions:

- Update and maintain a schedule estimate for when DHS plans to implement each of the strategic improvement opportunities.
- Develop a complete life-cycle cost estimate for the implementation of HRIT.
- Document and track all costs, including components' costs, associated with HRIT.
- Establish time frames for re-evaluating the strategic improvement opportunities and associated projects in the Human Capital Segment Architecture Blueprint and determining how to move forward with HRIT.
- Evaluate the strategic improvement opportunities and projects within the Human Capital Segment Architecture Blueprint to determine whether they and the goals of the blueprint are still valid and reflect DHS's HRIT priorities going forward, and update the blueprint accordingly.
- Update and maintain the department's human resources system inventory.



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To improve the PALMS program's implementation of IT acquisition best practices, we are recommending that the Secretary of Homeland Security direct the Under Secretary of Management to direct the Chief Information Officer to direct the PALMS program office to take the following six actions:

- Establish a time frame for deciding whether PALMS will be fully deployed at FEMA and USCG, and determine an alternative approach if the learning and/or performance management capabilities of PALMS are deemed not feasible for ICE, FEMA, TSA, or USCG.
- Develop a comprehensive life-cycle cost estimate, including all government and contractor costs, for the PALMS program.
- Develop and maintain a single comprehensive schedule that includes all government and contractor activities, and includes all planned deployment milestones related to performance management.
- Track and monitor all costs associated with the PALMS program.
- Document PALMS's progress and milestone reviews, including all issues and corrective actions discussed.
- Establish a comprehensive risk log that maintains an aggregation of all up-to-date risks (including both government- and vendor-identified) and associated mitigation plans. Additionally, within the comprehensive risk log,
  - identify and document planned completion dates for each risk mitigation step (where appropriate), and
  - prioritize the risks by determining each risk's relative priority and overall risk level.

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## Agency Comments and Our Evaluation

We received written comments on a draft of this report from the Director of DHS's Departmental GAO-OIG Liaison Office. The comments are reprinted in appendix II.

In its comments, the department concurred with our 14 recommendations and provided estimated completion dates for implementing each of them. For example, by April 30, 2016, the Under Secretary of Management plans to ensure that the HRIT executive steering committee is consistently involved in overseeing and advising HRIT and the committee

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is expected to be reviewed quarterly by the Acquisition Review Board.<sup>46</sup> These planned actions, if implemented effectively, should help DHS address the intent of our recommendations.

We also received technical comments from DHS headquarters and component officials, which we have incorporated, as appropriate.

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As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the Secretary of Homeland Security and other interested parties. In addition, this report is available at no charge on the GAO website at <http://www.gao.gov>.

Should you or your staffs have any questions on information discussed in this report, please contact Carol Cha at (202) 512-4456, [ChaC@gao.gov](mailto:ChaC@gao.gov) or Rebecca Gambler at (202) 512-6912, [GamblerR@gao.gov](mailto:GamblerR@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix III.



Carol R. Cha  
Director, Information Technology Acquisition Management Issues



Rebecca S. Gambler  
Director, Homeland Security and Justice

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<sup>46</sup>DHS's Acquisition Review Board is responsible for reviewing major acquisition programs for proper management, oversight, accountability, and alignment with the department's strategic functions at acquisition decision events and other meetings as needed.

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# Appendix I: Objectives, Scope, and Methodology

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Our objectives were to (1) evaluate the progress the Department of Homeland Security (DHS) has made in implementing the Human Resources Information Technology (HRIT) investment and how effectively DHS has managed the investment since completing the Human Capital Segment Architecture in August 2011, (2) describe whether DHS has justified its investment in the Performance and Learning Management System (PALMS) program, (3) determine whether PALMS is being implemented enterprise-wide, and (4) evaluate the extent to which PALMS is implementing selected information technology (IT) acquisition best practices.

To address the first part of our first objective—to evaluate the progress DHS had made in implementing the HRIT investment—we compared HRIT's goals, scope, and implementation time frames (as defined in the Human Capital Segment Architecture Blueprint, which was completed in August 2011) to the investment's actual accomplishments. Specifically, we compared the completed and in-progress HRIT projects against the strategic improvement opportunities and projects that were outlined in the blueprint to determine which of the improvement opportunities and projects had been fully implemented or were in-progress. We also compared DHS's planned schedule for implementing the improvement opportunities and projects against DHS's current planned schedule for implementing them as of November 2015. Additionally, we interviewed DHS officials from the HRIT investment, Office of the Chief Information Officer (OCIO), Office of the Chief Human Capital Officer (OCHCO), and DHS's components to discuss the steps taken to implement HRIT, address the strategic improvement opportunities and projects in the blueprint, and meet the goals of the investment.

In addressing the second part of our first objective—to evaluate how effectively DHS managed the investment—we analyzed documentation, such as the investment's planned and updated completion dates, program management briefings, the blueprint, cost estimates, and budget documentation, and compared it against relevant cost and schedule best practices identified by GAO, CMMI-ACQ, and the PMBOK® Guide. These best practices included developing and maintaining a schedule estimate;

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developing a life-cycle cost estimate; and tracking program expenditures.<sup>1</sup> To determine the amount spent to date on HRIT, we asked officials from DHS headquarters and each of the eight components to provide expenditure information on HRIT since the investment began in 2003; officials were unable to provide complete information.<sup>2</sup> As such, we were unable to identify the total amount spent on the investment and discuss this limitation earlier in the report.

We also analyzed DHS's human capital investment guidance, including the 2010 Deputy Secretary memorandum that prohibited component spending on enhancements to existing human resources systems or acquisitions of new human resources solutions, unless those expenditures have been approved by OCHCO or OCIO,<sup>3</sup> and compared it to the components' current investments in human resources systems, such as those listed in DHS's fiscal year 2016 human capital portfolio. Additionally, we interviewed officials from the OCIO, OCHCO, and DHS's eight components to obtain additional information on how HRIT reduced or will reduce duplicative human resources systems.

To describe whether DHS justified its investment in the PALMS program, we analyzed documentation, such as the program's business case and the documented analysis of alternatives that was conducted to identify recommended approaches for pursuing a commercial off-the-shelf learning management system. We used this information to determine the various alternative solutions that DHS assessed for delivering enterprise-wide performance and learning management capabilities. Additionally, we reviewed program management briefings provided to the HRIT Executive

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<sup>1</sup>GAO, *GAO Cost Estimating and Assessment Guide: Best Practices for Developing and Managing Capital Program Costs*, GAO-09-3SP (Washington, D.C.: March 2009); GAO *Schedule Assessment Guide: Best Practices for Project Schedules*, GAO-16-89G (Washington, D.C.: Dec. 22, 2015); Software Engineering Institute, *Capability Maturity Model® Integration for Acquisition (CMMI-ACQ), Version 1.3* (Pittsburgh, Pa.: November 2010); and the Project Management Institute, Inc., *A Guide to the Project Management Body of Knowledge (PMBOK® Guide), Fifth Edition*, (Newton Square, Pa.: 2013). "PMBOK" is a trademark of the Project Management Institute, Inc.

<sup>2</sup>The eight components included U.S. Customs and Border Protection, Federal Emergency Management Agency, Federal Law Enforcement Training Center, U.S. Immigration and Customs Enforcement, Transportation Security Administration, U.S. Citizenship and Immigration Services, U.S. Coast Guard, and U.S. Secret Service.

<sup>3</sup>DHS *Enterprise Human Resources Processes, People, and Technology* Memorandum, dated January 15, 2010.

Steering Committee that outlined, for example, the proposed solution and rationale for such a solution. We also interviewed appropriate DHS and PALMS officials for further information regarding the process DHS used to conduct the analysis of alternatives and other steps the department took to determine its preferred solution, including determining whether DHS could use existing shared services that were being used by other federal agencies.

To determine whether PALMS is being implemented department-wide, we analyzed the program's acquisition plan and original schedule for implementing the system department-wide, and compared it against actual program status documentation and the program's current implementation schedule. We also obtained and analyzed information from DHS officials, the PALMS headquarters program management office and DHS's components on each component's implementation of PALMS, including identifying which PALMS capabilities each component planned to implement, the number of planned PALMS users, and their reported causes for why certain components were not currently planning to implement PALMS.

To evaluate the extent to which PALMS implemented selected IT acquisition best practices, we analyzed the program's IT acquisition documentation and compared it to relevant project planning, project monitoring, and risk management best practices—including CMMI-ACQ and PMBOK® Guide practices, and best practices identified by GAO.<sup>4</sup> Specifically, we analyzed program documentation, including the acquisition plan, requirements management plan, risk management plan, cost and schedule estimates, program management review briefings, meeting minutes, risk logs, and risk mitigation plans to determine the extent to which the program's acquisition processes were consistent with the best practices. Additionally, we interviewed officials from HRIT, PALMS, OCIO, OCHCO, and DHS's eight components to obtain additional information on the program's risk management, project planning, and project monitoring processes.

To assess the reliability of the data that we used to support the findings in this report, we reviewed relevant program documentation to substantiate evidence obtained through interviews with agency officials. We

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<sup>4</sup>CMMI-ACQ, PMBOK® Guide, GAO-16-89G, and GAO-09-3SP.

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**Appendix I: Objectives, Scope, and  
Methodology**

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determined that the data used in this report were sufficiently reliable, with the exception of expenditure information provided by the HRIT investment and selected risk data provided by the PALMS program. We discuss limitations with these data in the report. We have also made appropriate attribution indicating the sources of the data.

We conducted this performance audit from March 2015 to February 2016 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

# Appendix II: Comments from the Department of Homeland Security

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

January 21, 2016

Carol R. Cha  
Director, Information Technology Acquisition Management Issues  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Re: Draft Report GAO-16-253, "HOMELAND SECURITY: Oversight of Neglected Human Resources Information Technology Investment Is Needed"

Dear Ms. Cha:

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the U.S. Government Accountability Office's (GAO's) work in planning and conducting its review and issuing this report.

It is important to note that the Department is already taking actions to evaluate the Human Resources Information Technology (HRIT) investment and address the shortcomings. For example, on December 21, 2015, the Acquisition Review Board (ARB) reviewed the HRIT Portfolio for the purpose of identifying progress since the 2010 baseline and the status of the 15 Strategic Improvement Opportunities (SIOs), and for leadership to provide direction to the HRIT Portfolio going forward. The Under Secretary for Management/Chief Acquisition Officer subsequently signed an Acquisition Decision Memorandum enumerating ARB decisions and directing specific actions to the DHS Office of the Chief Information Officer (OCIO), Office of the Chief Human Capital Officer (OCHCO), Office of the Chief Financial Officer (OCFO), and Office of Program Accountability and Risk Management (PARM). These actions include:

- Realignment of HRIT resources and functions to OCIO;
- Re-establishment of the HRIT Executive Steering Committee (BSC) with an updated charter and designated co-chairs;
- Documentation requirements for the SIOs;
- Next steps for the ESC; and
- Quarterly Program Reviews to the ARB.

Appendix II: Comments from the Department  
of Homeland Security

The draft report contained 14 recommendations with which the Department concurs. Specifically, GAO recommended that the Secretary of Homeland Security direct the Under Secretary for Management (USM) to:

**Recommendation 1:** Update the HRIT ESC charter to establish the frequency with which HRIT ESC meetings are to be held.

**Response:** Concur. The USM will ensure that the HRIT ESC charter is updated to establish quarterly meetings of the HRIT ESC. Estimated Completion Date (ECD): February 29, 2016.

**Recommendation 2:** Ensure that the HRIT ESC is consistently involved in overseeing and advising HRIT, including approving key program management documents, such as HRIT's operational plan, schedule, and planned cost estimate.

**Response:** Concur. The USM will ensure that the HRIT ESC is consistently involved in overseeing and advising HRIT, including approving key program management documents, such as HRIT's operational plan, schedule, and planned cost estimate. The HRIT ESC will be reviewed quarterly by the ARB, under the direction of the Deputy Under Secretary for Management. ECD: April 30, 2016.

**Recommendation 3:** Direct the Chief Human Capital Officer to direct the HRIT investment to update and maintain a schedule estimate for when DHS plans to implement each of the strategic improvement opportunities.

**Response:** Concur. The DHS Chief Information Officer (CIO) will update and maintain a schedule estimate for when it plans to implement each of the strategic improvement opportunities. Further details will be provided after the realignment of the HRIT investment has occurred. ECD: April 30, 2016.

**Recommendation 4:** Direct the Chief Human Capital Officer to direct the HRIT investment to develop a complete life-cycle cost estimate for the implementation of HRIT.

**Response:** Concur. The CIO will direct development of a complete life-cycle cost estimate for the implementation of the HRIT ESC-approved strategic improvement opportunities within HRIT. ECD: June 30, 2016.

**Recommendation 5:** Direct the Chief Human Capital Officer to direct the HRIT investment to document and track all costs, including components' costs, associated with HRIT.



**Response:** Concur. The CIO will direct the HRIT investment to document and track all costs associated with HRIT, including components' costs. ECD: October 31, 2016.

**Recommendation 6:** Direct the Chief Human Capital Officer to direct the HRIT investment to establish time frames for re-evaluating the strategic improvement opportunities and associated projects in the Human Capital Segment Architecture Blueprint and determining how to move forward with HRIT.

**Response:** Concur. The CIO will direct the HRIT investment to establish timeframes for re-evaluating the strategic improvement opportunities and associated projects in the Human Capital Segment Architecture Blueprint and determine how to move forward with HRIT. ECD: February 29, 2016

**Recommendation 7:** Direct the Chief Human Capital Officer to direct the HRIT investment to evaluate the strategic improvement opportunities and projects with the Human Capital Segment Architectures Blueprint to determine whether they and the goals of the blueprint are still valid and reflect DHS's HRIT priorities going forward, and update the blueprint accordingly.

**Response:** Concur. The CIO will direct the HRIT investment to evaluate the strategic improvement opportunities and projects with the Human Capital Segment Architectures Blueprint to determine whether they and the goals of the blueprint are still valid and reflect DHS's HRIT priorities going forward, and update the blueprint accordingly. ECD: April 30, 2016.

**Recommendation 8:** Direct the Chief Human Capital Officer to direct the HRIT investment to update and maintain the department's human resources system inventory.

**Response:** Concur. The CIO will direct the HRIT investment to update and maintain the Department's human resources system inventory. ECD: October 31, 2016.

**Recommendation 9:** Direct the Chief Information Officer to direct the Performance and Learning Management System (PALMS) program office to establish a time frame for deciding whether PALMS will be fully deployed at FEMA and USCG, and determine an alternative approach if PALMS is deemed not feasible for ICE, FEMA, TSA or USCG.

**Response:** Concur. The DHS OCIO PALMS Program Office will establish a time frame for a deployment decision of PALMS for the components specified. ICE is in the process of learning management implementation and is scheduled to be completed on April 5, 2016. The ECD for FEMA, TSA and USCG is April 30, 2016.

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**Appendix II: Comments from the Department  
of Homeland Security**

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**Recommendation 10:** Direct the Chief Information Officer to direct the PALMS program office to develop a comprehensive life-cycle cost estimate, including all government and contractor costs, for the PALMS program.

**Response:** Concur. The OCIO PALMS Program Office will provide an updated life cycle cost estimate for all government and contractor costs based on DHS ARB requirements for a Level 3 program. ECD: May 30, 2016.

**Recommendation 11:** Direct the Chief Information Officer to direct the PALMS program office to develop and maintain a single comprehensive schedule that includes all government and contractor activities, and includes all planned deployment milestones related to performance management.

**Response:** Concur. The OCIO PALMS Program Office will develop and maintain a single comprehensive schedule that includes all government and contractor activities, and includes all planned deployment milestones related to performance management. ECD: May 30, 2016.

**Recommendation 12:** Direct the Chief Information Officer to direct the PALMS program office to track and monitor all costs associated with the PALMS program.

**Response:** Concur. The OCIO PALMS Program Office will track and monitor all costs associated with the PALMS program. ECD: March 30, 2016.

**Recommendation 13:** Direct the Chief Information Officer to direct the PALMS program office to document PALMS's progress and milestone reviews, including all issues and corrective actions discussed.

**Response:** Concur. The OCIO PALMS Program Office will document PALMS's progress and milestone reviews, including publishing meeting notes, and all issues and corrective actions discussed. ECD: February 29, 2016.

**Recommendation 14:** Direct the Chief Information Officer to direct the PALMS program office to establish a comprehensive risk log that maintains an aggregation of all up-to-date risks (including both government and vendor-identified) and associated mitigation plans. Additionally, within the comprehensive risk log,

- Identify and document planned completion dates for each risk mitigation step (where appropriate).
- Prioritize the risks by determining each risk's relative priority and overall risk level.

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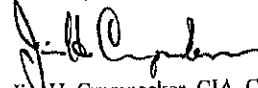
Appendix II: Comments from the Department  
of Homeland Security

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**Response:** Concur. The OCIO PALMS Program Office will establish a comprehensive risk log that maintains an aggregation of all up-to-date risks (including both government and vendor-identified) and associated mitigation plans, as well as the additional requirements identified within the comprehensive risk log. ECD: January 29, 2016.

Again, thank you for the opportunity to review and comment on the draft report. Technical comments were previously provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you in the future.

Sincerely,



Jim H. Crumpacker, CIA, CFE  
Director  
Departmental GAO-OIG Liaison Office

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## Appendix III: GAO Contacts and Staff Acknowledgments

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### GAO Contacts

Carol R. Cha at (202) 512-4456 or ChaC@gao.gov, or  
Rebecca S. Gambler at (202) 512-6912 or GamblerR@gao.gov

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### Staff Acknowledgments

In addition to the contacts named above, the following staff also made key contributions to this report: Shannin O'Neill, Assistant Director; Christopher Businsky; Rebecca Eyler; Javier Irizarry; Emily Kuhn; and David Lysy.

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Please Print on Recycled Paper.

# **DHS' Oversight of Its Workforce Training Needs Improvement**





# **DHS OIG HIGHLIGHTS**

## ***DHS' Oversight of Its Workforce Training Needs Improvement***

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**January 20, 2016**

### **Why We Did This Audit**

Since the Department of Homeland Security (DHS) was formed, it has faced challenges integrating and consolidating legacy agencies' support structures, including multiple training facilities and programs. DHS continues to be on the Government Accountability Office's high-risk list for management of its human capital and integration.

### **What We Recommend**

We made three recommendations to DHS to improve tracking and reporting of training information, and oversight and management of its workforce training.

#### **For Further Information:**

Contact our Office of Public Affairs at (202) 254-4100, or email us at [DHS-OIG.OfficePublicAffairs@oig.dhs.gov](mailto:DHS-OIG.OfficePublicAffairs@oig.dhs.gov)

### **What We Found**

DHS does not have adequate oversight of its workforce training. DHS lacks reliable training cost information and data needed to make effective and efficient management decisions. In addition, it does not have an effective governance structure for its training oversight, including clearly defined roles, responsibilities, and delegated authorities. Finally, DHS has not adequately addressed 29 different recommendations to improve training efficiencies made since 2004 by various working groups. As a result, DHS cannot ensure the most efficient use of resources.

### **DHS Response**

In its response to our draft report, DHS reported that it is committed to consistent oversight and transparency in order to ensure unity of effort, and encourage efficiency, effectiveness, and accountability. Accordingly, DHS agreed with our report recommendations.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

January 20, 2016

MEMORANDUM FOR: The Honorable Russell C. Deyo  
Under Secretary for Management

FROM: John Roth *John Roth*  
Inspector General

SUBJECT: *DHS' Oversight of its Workforce Training Needs Improvement*

Attached for your action is our final report, *DHS' Oversight of its Workforce Training Needs Improvement*. We incorporated the formal comments from the Department in the final report.

The report contains three recommendations aimed at improving the Department's tracking and reporting of training information, and oversight and management of its workforce training. Your office concurred with all recommendations. Based on information provided in your response to the draft report, we consider recommendations 1 through 3 open and resolved. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions and of the disposition of any monetary amounts.

Please send your response or closure request to  
[OIGAuditsFollowup@oig.dhs.gov](mailto:OIGAuditsFollowup@oig.dhs.gov).

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Mark Bell, Assistant Inspector General for Audits, at (202) 254-4100.

Attachment





# OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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## Abbreviations

CBP	U.S. Customs and Border Protection
DHS	Department of Homeland Security
FEMA	Federal Emergency Management Agency
FLETC	Federal Law Enforcement Training Centers
FY	fiscal year
GAO	Government Accountability Office
ICE	U.S. Immigration and Customs Enforcement
NPPD	National Protection and Programs Directorate
OCFO	Office of the Chief Financial Officer
OCHCO	Office of the Chief Human Capital Officer
OIG	Office of Inspector General
OPM	Office of Personnel Management
PALMS	Performance and Learning Management System
TSA	Transportation Security Administration
USCIS	U.S. Citizenship and Immigration Services
USSS	U.S. Secret Service



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### Background

The *Homeland Security Act of 2002* created the Department of Homeland Security (DHS), merging 22 Federal agencies. Since its formation, DHS has faced challenges in integrating and consolidating legacy agencies' support structures, including multiple training facilities and programs. Some of DHS' training includes preparedness, law enforcement, and leadership development. In fiscal year (FY) 2014, DHS requested more than \$1.4 billion and in FY 2015, it requested \$1.1 billion to provide training to both employees and external stakeholders, such as state and local first responders. As of June 2015, the following 9 DHS components operated 31 training centers across the United States.<sup>1</sup>

- Federal Emergency Management Agency (FEMA)
- Federal Law Enforcement Training Centers (FLETC)
- National Protection and Programs Directorate (NPPD)
- Transportation Security Administration (TSA)
- U.S. Citizenship and Immigration Services (USCIS)
- U.S. Coast Guard
- U.S. Customs and Border Protection (CBP)
- U.S. Immigration and Customs Enforcement (ICE)
- U.S. Secret Service (USSS)

In 2003, the U.S. Government Accountability Office (GAO) identified the integration of DHS and Human Capital Management as a high-risk area. In a 2015 update to the High-Risk Series, GAO continued to emphasize the need for improved management integration, human capital management, and financial reporting. DHS has undertaken several initiatives since 2004 to identify training efficiencies, including integrating and consolidating some of its training infrastructure. However, additional actions are necessary to improve the oversight of DHS' workforce training.

### Results of Audit

DHS does not have adequate oversight of its workforce training. DHS lacks reliable training cost information and data needed to make effective and efficient management decisions. In addition, it does not have an effective governance structure for its training oversight, including clearly defined roles, responsibilities, and delegated authorities. Finally, DHS has not adequately addressed 29 different recommendations to improve training efficiencies made since 2004 by various working groups. As a result, DHS cannot ensure the most efficient use of resources.

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<sup>1</sup> This audit focused on those DHS components that operate training centers.



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### DHS Lacks Reliable Cost Information to Conduct Effective Oversight of Training

DHS does not have reliable training cost data and information to make informed management decisions. Multiple prior audits of DHS have reported weaknesses with the reliability of data at DHS. Additionally, DHS made multiple attempts to determine DHS-wide training costs for FYs 2012–14, but the results were unreliable. This caused GAO to note in a 2014 report<sup>2</sup> that DHS needed to develop a methodology to capture training costs.

During our audit, we attempted to determine total DHS training costs for FYs 2014 and 2015. We obtained budget data from the DHS Congressional Budget Justification and monthly training data reported to the Office of Personnel Management (OPM). When we requested DHS training costs from the DHS Office of the Chief Financial Officer (OCFO), it could not readily provide the data. The OCFO did not have access to components' financial systems; rather, it relied on data calls to provide us the training costs although it could not validate the data.

We found significant discrepancies between the total amounts reported, as shown in table 1. For instance, in FY 2014, Congress provided more than \$1.4 billion for DHS training, but DHS only reported \$1.9 million in training costs to OPM; and as of August 2015 the OCFO could only account for \$267.6 million in training expenditures for FY 2014. Appendix C provides additional training costs for DHS components for FYs 2014 and 2015.

Table 1: DHS Training Costs (in Millions)					
Budget Request		OCFO Data Call		OPM Reporting	
FY 2014 Enacted	FY 2015 Request	FY 2014	FY 2015*	FY 2014	FY 2015*
\$1,412.7	\$1,138.3	\$267.6	\$180.5	\$1.9	\$1.3

Source: DHS Office of Inspector General (OIG) compiled from DHS and OPM data.

\*October 1, 2014, through June 30, 2015.

Federal regulations require agencies to maintain training records and costs, including payments made for travel, tuition, and fees. OPM also requires Federal agencies to report accurate and complete training data every month. In an effort to comply with the OPM regulation, DHS has tasked at least three contractors to compile training data from nine different systems maintained by various components. However, the data being submitted to OPM has been

<sup>2</sup> *DHS Training: Improved Documentation, Resource Tracking, and Performance Measurement Could Strengthen Efforts*, GAO-14-688, September 10, 2014.



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inaccurate. According to DHS Office of the Chief Human Capital Officer (OCHCO) personnel, DHS does not have access to components' financial data and relies solely on contractors to meet its reporting requirements.

In addition to submitting incomplete and inaccurate training data to OPM, DHS also is not providing oversight and quality assurance of that data. We reviewed DHS' submission to OPM and determined that DHS reported less than one percent of the funds appropriated for training in FY 2014. We also found that DHS has not been reporting any training data for CBP, FEMA, and USSS. For example, according to the USSS, its contractor has been submitting training data to DHS' contractor monthly. However, OPM did not have record of any training data reported for USSS since February 2014. According to DHS' contractor, there have been problems with USSS' data files; however, neither DHS nor USSS were aware of this issue prior to our audit.

To further assess the accuracy of training costs reported to OPM, we judgmentally reviewed training data for August 2014 and January 2015 from the USCIS, TSA, and NPPD, and determined that the data they reported to OPM was inaccurate. For example, in August 2014 the USCIS reported to OPM that it spent \$23,893 for training. However, when we received data from USCIS for the same month, it reported that it spent \$435,286. We also found discrepancies for TSA and NPPD as shown in table 2.

Table 2: Training Costs Reported for August 2014			
Component	OPM	OIG Audit	Difference
USCIS	\$23,893	\$435,286	\$411,393
TSA	\$0	\$20,856,811	\$20,856,811
NPPD	\$126,411	\$8,699	(\$117,712)

Source: OIG created from DHS and OPM data.

Based on our review of the same three components' January 2015 data reported to OPM, DHS was still reporting inaccurately. For example, TSA did not report any training costs to OPM for January 2015; however, in response to our data request, TSA reported more than \$23 million in training costs. There were also discrepancies for NPPD and USCIS as shown in table 3.



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Table 3: Training Costs Reported for January 2015			
Component	OPM	OIG Audit	Difference
USCIS	\$460	\$193,831	\$193,371
TSA	\$0	\$23,709,471	\$23,709,471
NPPD	\$6,785	\$43,528	\$36,743

Source: OIG created from DHS and OPM data.

Although DHS has taken steps to improve the reliability of its training data, further action is needed. In May 2013, DHS awarded a blanket purchase agreement to create an enterprise-wide learning management system. The initial launch date for the Performance and Learning Management System (PALMS) was December 2013. However, there have been multiple delays and PALMS was still not fully deployed during our audit. DHS now estimates that PALMS will be fully operational by 2017. Having reliable data is essential to DHS to fully meet its reporting requirements and effectively oversee its training funding.

### **DHS Lacks an Effective Governance Structure for Training Oversight**

In June 2012, DHS delegated the authority for training oversight to both OCHCO and DHS components without establishing a clear governance structure to provide systematic oversight. According to OCHCO personnel, the draft directive to improve this structure was last updated in August 2015 but has been in the approval process since 2010. In the meantime, DHS and its components must continue to rely on inadequate and conflicting management directive and delegation of authority documents.

According to DHS' *Management Directive 3210, Training*, the Under Secretary for Management, through OCHCO, has the responsibility for the oversight of training. This includes, but is not limited to, the establishment, operation, maintenance, and evaluation of training for DHS employees. The Under Secretary for Management is also responsible for training policies and establishing priorities. However, DHS Delegation number 03000, *Delegation for Human Capital and Human Resources* splits these same training responsibilities between OCHCO and component leadership. Specifically, OCHCO, through its chief learning officer, has authority over departmental learning and development, but not over component mission-specific training.

Although still in draft form, the chief learning officer updated DHS' management directive on training, and the update is intended to clarify these responsibilities across DHS. This draft directive establishes authority,



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responsibilities, and policies to manage workforce and organizational development.

DHS components also lack a unified process to govern workforce training, which hinders component leadership from having comprehensive oversight of that training. Although we determined that USSS and the Federal Protective Service had adequate oversight of their training, the remaining six of the eight components<sup>3</sup> training areas we reviewed lacked sufficient oversight of all training:

- CBP's Office of Training and Development does not oversee all of the Office of Air and Marine's training. Furthermore, the Office of Air and Marine's training office does not have oversight of the Unmanned Aviation System training.
- U. S. Coast Guard's Force Readiness Command, Training Division does not oversee training at the Coast Guard Academy.
- FEMA's National Training Directorate does not oversee training in the U.S. Fire Academy.
- TSA's Office of Training and Workforce Engagement does not have oversight of field-level training at the airports.
- USCIS' Training and Career Development Division does not oversee all component field-level training.
- ICE's Office of Training and Development does not have oversight over the training at the Fort Benning, GA, training center.

The lack of effective governance structure further hinders DHS' ability to adequately oversee its workforce training, which decreases opportunities for efficiencies.

### **DHS Has Not Addressed Recommendations from Previous Reviews**

Over the last decade, DHS has conducted multiple reviews and working groups have made numerous recommendations to improve the integration of its training and development programs, as shown in figure 1.

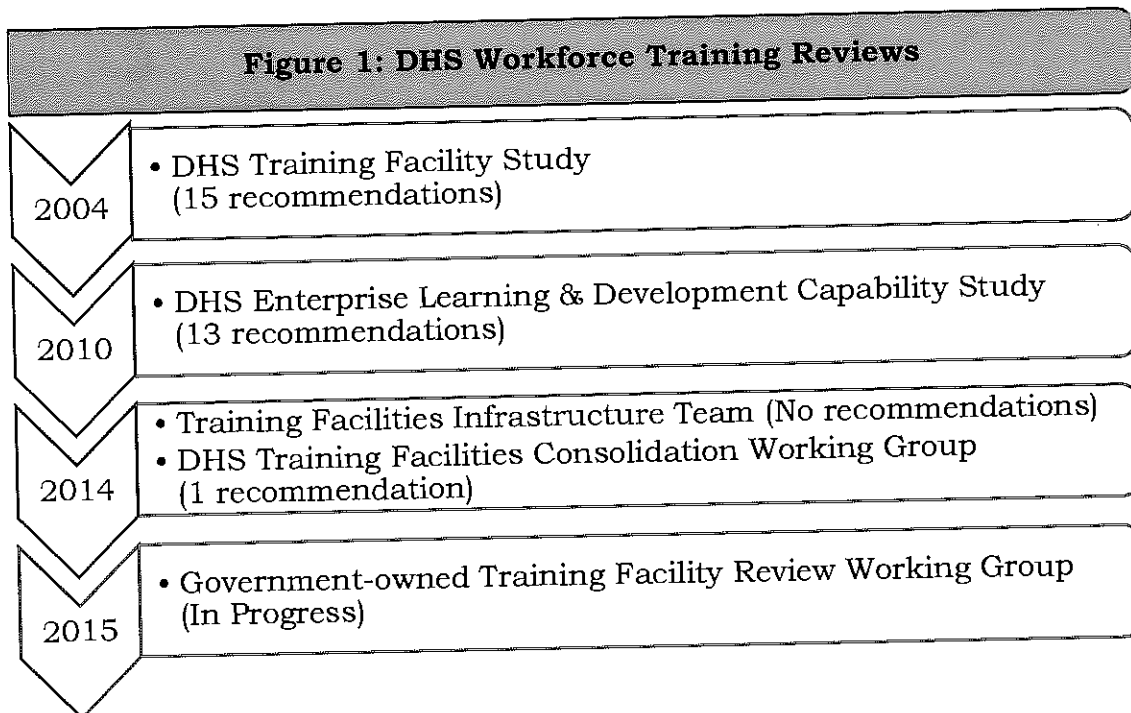
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<sup>3</sup> Includes Federal Protective Service, but not NPPD.



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Source: OIG-created based on DHS documents.

As illustrated in figure 1 and detailed in appendix D, collectively from these reviews, 29 recommendations have been made. The investment of significant resources into these working groups should have resulted in the implementation of improved processes, oversight, and management of DHS workforce training. However, there is little evidence DHS has tracked or implemented any of these recommendations.

In some instances, the 2010 Training Facility Study working group (2010 working group) made recommendations similar to those in the 2004 Enterprise Learning and Development Capabilities Study working group (2004 working group). For example, the 2004 working group recommended DHS assess potential uses of the FLETC Charleston and study training capacity across DHS. The 2010 working group made a similar recommendation for DHS to optimize the use of existing DHS training facilities. Other similarities in the recommendations the two working groups made included issues such as improving efficiencies, clarifying policies and procedures, standardizing training, and improving training tracking.

DHS continues to initiate working groups to improve training management without taking action on prior recommendations. In response to the Secretary's *Integrated Planning Guidance*, DHS convened a Training Facilities Infrastructure Team in April 2014 to identify options to consolidate and reduce training campus infrastructure. This team collected data related to DHS



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training facilities but did not make any recommendations. Then, in August 2014, DHS created a FLETC-led Training Facilities Consolidation working group in response to a request from Representative Jeff Duncan.

Representative Duncan wrote a letter urging DHS to consider consolidation of training facilities and programs. The Training Facilities Consolidation working group made one recommendation in October 2014 to terminate the lease of an ICE Training Academy in Dallas, TX, and consolidate it into a DHS-owned facility by the end of FY 2015. Although personnel from the Office of the Chief Readiness Support Officer and OCFO concurred with the working group's recommendation, the Under Secretary for Management still had not made a decision by the end of our fieldwork. In April 2015, DHS and FLETC decided to disband the Training Facilities Consolidation working group, and in June 2015, DHS assembled yet another working group — the Government-owned Training Facility Review working group under the co-leadership of the Office of the Chief Financial Officer and the Office of the Chief Readiness Support Officer to evaluate DHS-owned training facilities.

DHS has overlooked opportunities for known efficiencies and continues to create working groups. This lack of action hinders DHS' ability to improve oversight of its workforce training and ensure the most cost-efficient use of resources.

### Recommendations

We recommend that the Under Secretary for Management:

**Recommendation 1:** Develop and implement a process to accurately capture and report training information across DHS.

**Recommendation 2:** Establish an effective governance structure at DHS and component levels with clear guidance and authority for training and development.

**Recommendation 3:** Evaluate past working group recommendations and create an implementation plan for recommendations that will improve the management of DHS training.

### DHS Comments and OIG Analysis

In its response to our draft report, DHS concurred with all three of our report recommendations. A summary of DHS's response and our analysis follows. We have included a copy of the management comments in their entirety in appendix B. DHS also provided technical comments to our draft report, which we incorporated as appropriate.





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### **DHS Comments:**

DHS reported that it is committed to consistent oversight and transparency in order to ensure unity of effort, and encourage efficiency, effectiveness, and accountability. One way the Department is doing this is by strengthening the DHS accounting system to provide more consistency and transparency in managing and reporting the costs of training at all levels of the Department.

**DHS Comments to Recommendation #1.** DHS concurred with our report recommendation and stated that DHS cannot easily obtain reliable and repeatable data on training costs. The DHS OCHCO has worked with the DHS OCFO to improve the consistent use of accounting codes to more accurately and fully capture training costs in the budgeting and reconciliation processes. OCFO staff has provided training codes from the DHS Accounting Classification System and are currently working with OCHCO to conduct an analysis of how accurately and consistently these codes are being used. This work serves as the basis for joint efforts to develop and implement new guidelines concerning the use of these codes, with the end goal of providing visibility into the true cost of training at DHS. Estimated completion date: October 31, 2016.

**OIG Analysis.** We consider DHS's proposed corrective action to be responsive to the recommendation. The recommendation is considered open and resolved and will remain open pending the completion of the corrective action and submission of adequate supporting documentation.

**DHS Comments to Recommendation #2.** DHS concurred with the recommendation and stated that the draft policy, *Employee Training and Learning Development*, establishes authority, responsibilities, and policies to manage workforce and organizational development. Upon final issuance of this DHS-wide directive and accompanying instruction, OIG should be able to consider this recommendation closed. Estimated completion date: June 30, 2016.

**OIG Analysis.** We consider DHS's proposed corrective action to be responsive to the recommendation. The recommendation is considered open and resolved and will remain open pending the completion of the corrective action and submission of adequate supporting documentation.

**DHS Comments to Recommendation #3.** DHS concurred with the recommendation and agreed that the past studies' recommendations should be examined to determine which are out of date, which have been or are being addressed, and which remain unaddressed. A newly established study team assessing DHS-wide operational education and training programs will work to



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produce a detailed analysis of the status of the listed items and will determine a way forward for those recommendations being worked and those which remain unaddressed. Estimated completion date: February 29, 2016.

**OIG Analysis.** We consider DHS's proposed corrective action to be responsive to the recommendation. The recommendation is considered open and resolved and will remain open pending the completion of the corrective action and submission of adequate supporting documentation.



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Department of Homeland Security

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### Appendix A

#### Objective, Scope, and Methodology

The DHS Office of Inspector General was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*.

We conducted an audit to determine whether DHS' oversight of its workforce training ensures the most cost-effective use of resources. To achieve our audit objective, we interviewed officials in the DHS Directorate for Management, National Protection and Programs Directorate (Federal Protective Service), and the Office of Intelligence and Analysis. We also conducted interviews with training officials at DHS headquarters, FLETC, and DHS operational components including USCIS, CBP, U.S. Coast Guard, FEMA, ICE, TSA, and USSS. We conducted site visits to DHS headquarters and the following DHS components' training centers:

- USSS Rowley Training Center, Laurel, MD
- CBP Advanced Training Center, Harpers Ferry, WV
- FLETC Training Center, Glynco, GA
- FLETC Training Center, Cheltenham, MD
- FEMA United States Fire Academy, Emmitsburg, MD
- FEMA Emergency Management Institute, Emmitsburg, MD
- OCHCO Learning and Development Institute, Washington, DC
- Office of the Chief Procurement Officer, Homeland Security Acquisition Institute, Washington, DC
- Office of Intelligence and Analysis, Intelligence Training Academy, Washington, DC

Additionally, we obtained and reviewed public laws, executive orders, DHS directives, strategic plans, congressional budget requests, DHS financial statements, OPM cost reported data relevant to our objective, DHS Training Facilities Consolidation Working Group data, and Federal real property records.

To determine DHS' training costs for FYs 2014 and 2015, we obtained and analyzed DHS training data reported to OPM. To verify the accuracy and completeness, we performed limited data reliability tests. We judgmentally selected data for August 2014 and January 2015 from three representative components based on training costs reported. To test this data, we obtained training information directly from the three components for the same 2 months and compared them with data reported to OPM.



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As a result of the incomplete data DHS reported to OPM, we requested the training cost amounts from DHS' Office of the OCFO. Due to system limitations, DHS' Office of the OCFO sent a data call to the components for the requested information, and provided the information received to the audit team. We performed limited data reliability testing by comparing the OPM and OCFO reported data with DHS' enacted budget amounts.

We conducted this performance audit between March and September 2015 pursuant to the *Inspector General Act of 1978*, as amended, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objectives.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**Appendix B**  
**DHS Comments to the Draft Report**

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

December 2, 2015

MEMORANDUM FOR: John Roth  
Inspector General

FROM: Jim H. Crumacker, CIA, CFE  
Director  
Departmental GAO-OIG Liaison Office

SUBJECT: OIG Draft Report: "DHS' Oversight of its Workforce  
Training Needs Improvement"  
(Project No. 15-071-AUD-MGMT)

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the Office of Inspector General's (OIG) work in planning and conducting its review and issuing this report.

DHS has a wide variety of missions, each with unique skill requirements – law enforcement, baggage screening, intelligence, cyber security, emergency response, canine search, protection, water rescue, and more – our training is in large part delivered by Components, which are closest to the needs of the employees performing these vital missions. This approach has ensured relevancy and applicability of training.

DIIS is committed to consistent oversight and transparency in order to ensure unity of effort, and encourage efficiency, effectiveness, and accountability. One way the Department is doing this is by strengthening the DHS accounting systems to provide more consistency and transparency in managing and reporting the costs of training at all levels of the Department.

The draft report contained three recommendations with which the Department concurs. Specifically OIG recommended that the Under Secretary for Management:

**Recommendation 1:** Develop and implement a process to accurately capture and report training information across DHS.

**Response:** Concur. DHS cannot easily obtain reliable and repeatable data on training costs. In response to previous U.S. Government Accountability Office reports, the DHS Office of the Chief Human Capital Officer (OCHCO) has worked with the DHS Office of



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Department of Homeland Security

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the Chief Financial Officer (OCFO) to improve the consistent use of accounting codes to more accurately and fully capture training costs in the budgeting and reconciliation processes.

OCFO staff have provided training codes from the DHS Accounting Classification System and are currently working with OCHCO to conduct an analysis of how accurately and consistently these codes are being used. This work serves as the basis for joint efforts to develop and implement new guidelines concerning the use of these codes, with the end goal of providing improved visibility into the true cost of training at DHS. Estimated Completion Date (ECD): October 31, 2016.

**Recommendation 2:** Establish an effective governance structure at DHS and component levels with clear guidance and authority for training and development.

**Response:** Concur. As the draft report notes on pages 6-7, OCHCO's draft policy Employee Training Learning and Development, "...establishes authority responsibilities, and policies to manage workforce and organizational development." Upon final issuance of this DHS-wide directive and accompanying instruction, OIG should be able to consider this recommendation closed. ECD: June 30, 2016.

**Recommendation 3:** Evaluate past working group recommendations and create an implementation plan for recommendations that will improve the management of DHS training.

**Response:** Concur. OCHCO agrees that the past studies' recommendations should be examined to determine which are out of date, which have been addressed, which are currently being worked on, and which remain unaddressed. A newly established study team assessing DHS-wide operational education and training programs will work to produce a detailed analysis of the status of the listed items and will determine a way forward for those recommendations which are being worked and are unaddressed. ECD: February 29, 2016.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments were previously provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you in the future.



**OFFICE OF INSPECTOR GENERAL**  
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**Appendix C**  
**DHS Training Costs**

<b>DHS Training Costs Reported for FY 2014 &amp; FY 2015 (In Thousands)</b>						
<b>DHS Components</b>	<b>Budget Request</b>		<b>CFO Data Call</b>		<b>OPM Reporting</b>	
	<b>FY 2014 - Enacted</b>	<b>FY 2015 - Requested</b>	<b>FY 2014</b>	<b>FY 2015*</b>	<b>FY 2014</b>	<b>FY 2015*</b>
TSA	\$362,190	\$246,290	\$45,137	\$37,260	\$0	\$0
USCG	325,289	306,766	104,490	74,025	0	0
FLETC	258,730	259,595	3,745	1,548	49	45
FEMA	233,654	102,269	25,141	19,863	0	0
CBP	172,343	162,440	43,094	10,904	0	0
USSS	60,498	60,972	8,478	8,506	0	0
ICE	No line item in budget request		10,074	3,628	0	3
FPS (NPPD)	No line item in budget request		12,997	12,803	808	586
USCIS	No line item in budget request		8,868	9,362	31	24
DHS HQ	No line item in budget request		**4,553	**1,873	***176	***197
OIG	No line item in budget request		436	449	342	194
Domestic Nuclear Detection Office	No line item in budget request		112	29	66	46
Science and Technology	No line item in budget request		490	267	400	194
<b>DHS Total</b>	<b>\$1,412,704</b>	<b>\$1,138,332</b>	<b>\$267,615</b>	<b>\$180,517</b>	<b>\$1,872</b>	<b>\$1,289</b>

\*October 1, 2014, through June 30, 2015

\*\*HQ data consists of Management, Office of Health Affairs, and Analysis and Operations

\*\*\*OPM data does not specify what components are included in this category



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**Appendix D**  
**Previous DHS Workforce Training Recommendations**

DHS Training Facility Study Recommendations (October 29, 2004):

1. Consider feasibility of reorganizing DHS training along functional lines.
2. Set policies and standards to unify DHS organizational elements.
3. Identify the core course requirements for DHS law enforcement employees.
4. Implement a National DHS Training Plan that applies across all DHS training organizations.
5. Conduct a National DHS Training Conference to allow organizational elements to meet and learn about training capabilities within DHS.
6. Establish a working group to study requirements for an executive development program to address leadership training needs for DHS managers and executives.
7. Consolidate canine training within DHS.
8. Align the Noble Training Center mission to the Center of Domestic Preparedness' (CDP) mission and consolidate Noble and CDP facilities and missions.
9. Assess potential uses of FLETC Charleston Training Center; study training capacity across DHS.
10. Assess methods and effectiveness of all recruit training at DHS training facilities.
11. Study cost effectiveness of alternative training sources.
12. Increase use of technology-based training delivery.
13. Increase use of technology-based training management.
14. Develop an interoperable Distance Learning Training Network.
15. Explore additional alternative training sites and facilities for scenario-based exercises.

DHS Enterprise Learning & Development Capability Study Recommendations  
(May 18, 2010)

1. Establish a DHS Training Institute to provide DHS-standard, DHS-centric resident (instructor-led, classroom), satellite, and distance training.
2. Standardize the DHS instructional systems design (ISD) approach for resident (instructor-led classroom), distance, and blended training.
3. Establish DHS satellite and/or intermittent training sites.
4. Standardize the DHS approach for evaluating externally provided training.
5. Launch standardization of professional training in a prototype set of disciplines.





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6. Coordinate senior level external training.
7. Optimize the use of existing DHS training facilities.
8. Optimize the use of existing DHS training competencies.
9. Optimize the use of existing DHS training resources.
10. Develop DHS performance measures for training integration.
11. Measure DHS workforce training.
12. Include DHS training integration in executive performance management evaluations.
13. Engage training staffs as a continuous resource for department personnel.

### DHS Training Facilities Consolidation Working Group Recommendation (October, 2014):

1. The working group recommended that DHS end the lease for the Dallas, TX, ICE Training Academy facility at the conclusion of FY 2015.



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Department of Homeland Security

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**Appendix E**  
**Office of Audits Major Contributors to this Report**

Brooke Bebow, Director  
LaParacina Williams, Audit Manager  
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Virginia Feliciano, Auditor  
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Kevin Dolloson, Communications Analyst  
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**Appendix F**  
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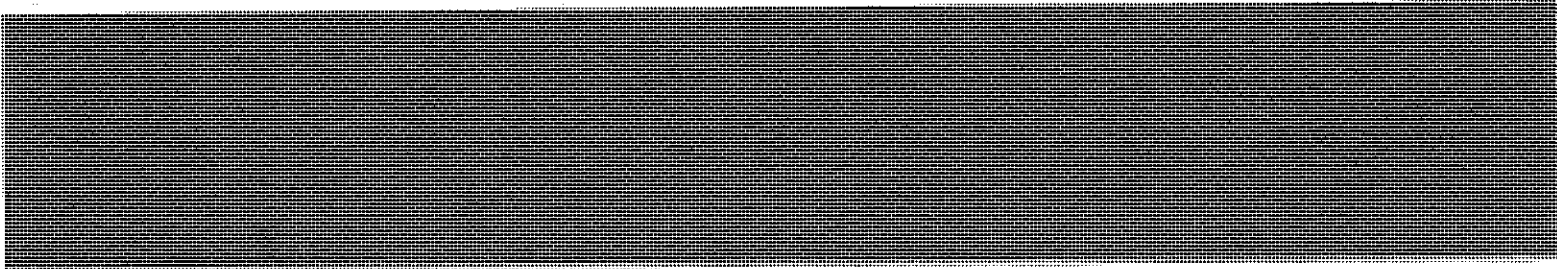
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The White House  
Office of the Press Secretary  
For Immediate Release  
January 25, 2017

# Executive Order: Enhancing Public Safety in the Interior of the United States

EXECUTIVE ORDER

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## ENHANCING PUBLIC SAFETY IN THE INTERIOR OF THE UNITED STATES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (INA) (8 U.S.C. 1101 et seq.), and in order to ensure the public safety of the American people in communities across the United States as well as to ensure that our Nation's immigration laws are faithfully executed, I hereby declare the policy of the executive branch to be, and order, as follows:

Section 1. Purpose. Interior enforcement of our Nation's immigration laws is critically important to the national security and public safety of the United States. Many aliens who illegally enter the United States and those who overstay or otherwise violate the terms of their visas present a significant threat to national security and public safety. This is particularly so for aliens who engage in criminal conduct in the United States.

Sanctuary jurisdictions across the United States willfully violate Federal law in an attempt to shield aliens from removal from the United States. These jurisdictions have caused immeasurable harm to the American people and to the very fabric of our Republic.

Tens of thousands of removable aliens have been released into communities across the country, solely because their home countries refuse to accept their repatriation. Many of these aliens are criminals who have served time in our Federal, State, and local jails. The presence of such individuals in the United States, and the practices of foreign nations that refuse the repatriation of their nationals, are contrary to the national interest.

Although Federal immigration law provides a framework for Federal-State partnerships in enforcing our immigration laws to ensure the removal of aliens who have no right to be in the United States, the Federal Government has failed to discharge this basic sovereign responsibility. We cannot faithfully execute the immigration laws of the United States if we exempt classes or categories of removable aliens from potential enforcement. The purpose of this order is to direct executive departments and agencies (agencies) to employ all lawful means to enforce the immigration laws of the United States.

Sec. 2. Policy. It is the policy of the executive branch to:

- (a) Ensure the faithful execution of the immigration laws of the United States, including the INA, against all removable aliens, consistent with Article II, Section 3 of the United States Constitution and section 3331 of title 5, United States Code;
- (b) Make use of all available systems and resources to ensure the efficient and faithful execution of the immigration laws of the United States;
- (c) Ensure that jurisdictions that fail to comply with applicable Federal law do not receive Federal funds, except as mandated by law;
- (d) Ensure that aliens ordered removed from the United States are promptly removed; and
- (e) Support victims, and the families of victims, of crimes committed by removable aliens.

Sec. 3. Definitions. The terms of this order, where applicable, shall have the meaning provided by section 1101 of title 8, United States Code.

Sec. 4. Enforcement of the Immigration Laws in the Interior of the United States. In furtherance of the policy described in section 2 of this order, I hereby direct agencies to employ all lawful means to ensure the faithful execution of the immigration laws of the United States against all removable aliens.

Sec. 5. Enforcement Priorities. In executing faithfully the immigration laws of the United States, the Secretary of Homeland Security (Secretary) shall prioritize for removal those aliens described by the Congress in sections 212(a)(2), (a)(3), and (a)(6)(C), 235, and 237(a)(2) and (4) of the INA (8 U.S.C. 1182(a)(2), (a)(3), and (a)(6)(C), 1225, and 1227(a)(2) and (4)), as well as removable aliens who:

- (a) Have been convicted of any criminal offense;
- (b) Have been charged with any criminal offense, where such charge has not been resolved;
- (c) Have committed acts that constitute a chargeable criminal offense;

- (d) Have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency;
- (e) Have abused any program related to receipt of public benefits;
- (f) Are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or
- (g) In the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

Sec. 6. Civil Fines and Penalties. As soon as practicable, and by no later than one year after the date of this order, the Secretary shall issue guidance and promulgate regulations, where required by law, to ensure the assessment and collection of all fines and penalties that the Secretary is authorized under the law to assess and collect from aliens unlawfully present in the United States and from those who facilitate their presence in the United States.

Sec. 7. Additional Enforcement and Removal Officers. The Secretary, through the Director of U.S. Immigration and Customs Enforcement, shall, to the extent permitted by law and subject to the availability of appropriations, take all appropriate action to hire 10,000 additional immigration officers, who shall complete relevant training and be authorized to perform the law enforcement functions described in section 287 of the INA (8 U.S.C. 1357).

Sec. 8. Federal-State Agreements. It is the policy of the executive branch to empower State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law.

(a) In furtherance of this policy, the Secretary shall immediately take appropriate action to engage with the Governors of the States, as well as local officials, for the purpose of preparing to enter into agreements under section 287(g) of the INA (8 U.S.C. 1357(g)).

(b) To the extent permitted by law and with the consent of State or local officials, as appropriate, the Secretary shall take appropriate action, through agreements under section 287(g) of the INA, or otherwise, to authorize State and local law enforcement officials, as the Secretary determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary. Such authorization shall be in addition to, rather than in place of, Federal performance of these duties.

(c) To the extent permitted by law, the Secretary may structure each agreement under section 287(g) of the INA in a manner that provides the most effective model for enforcing Federal immigration laws for that jurisdiction.

Sec. 9. Sanctuary Jurisdictions. It is the policy of the executive branch to ensure, to the fullest extent of the law, that a State, or a political subdivision of a State, shall comply with 8 U.S.C. 1373.

(a) In furtherance of this policy, the Attorney General and the Secretary, in their discretion and to the extent consistent with law, shall ensure that jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary. The Secretary has the authority to designate, in his discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction. The Attorney General shall take appropriate enforcement action against any entity that violates 8 U.S.C. 1373, or which has in effect a statute, policy, or practice that prevents or hinders the enforcement of Federal law.

(b) To better inform the public regarding the public safety threats associated with sanctuary jurisdictions, the Secretary shall utilize the Declined Detainer Outcome Report or its equivalent and, on a weekly basis, make public a comprehensive list of criminal actions committed by aliens and any jurisdiction that ignored or otherwise failed to honor any detainers with respect to such aliens.

(c) The Director of the Office of Management and Budget is directed to obtain and provide relevant and responsive information on all Federal grant money that currently is received by any sanctuary jurisdiction.

Sec. 10. Review of Previous Immigration Actions and Policies. (a) The Secretary shall immediately take all appropriate action to terminate the Priority Enforcement Program (PEP) described in the memorandum issued by the Secretary on November 20, 2014, and to reinstitute the immigration program known as "Secure Communities" referenced in that memorandum.

(b) The Secretary shall review agency regulations, policies, and procedures for consistency with this order and, if required, publish for notice and comment proposed regulations rescinding or revising any regulations inconsistent with this order and shall consider whether to withdraw or modify any inconsistent policies and procedures, as appropriate and consistent with the law.

(c) To protect our communities and better facilitate the identification, detention, and removal of criminal aliens within constitutional and statutory parameters, the Secretary shall consolidate and revise any applicable forms to more effectively communicate with recipient law enforcement agencies.

Sec. 11. Department of Justice Prosecutions of Immigration Violators. The Attorney General and the Secretary shall work together to develop and implement a program that ensures that adequate



resources are devoted to the prosecution of criminal immigration offenses in the United States, and to develop cooperative strategies to reduce violent crime and the reach of transnational criminal organizations into the United States.

Sec. 12. Recalcitrant Countries. The Secretary of Homeland Security and the Secretary of State shall cooperate to effectively implement the sanctions provided by section 243(d) of the INA (8 U.S.C. 1253(d)), as appropriate. The Secretary of State shall, to the maximum extent permitted by law, ensure that diplomatic efforts and negotiations with foreign states include as a condition precedent the acceptance by those foreign states of their nationals who are subject to removal from the United States.

Sec. 13. Office for Victims of Crimes Committed by Removable Aliens. The Secretary shall direct the Director of U.S. Immigration and Customs Enforcement to take all appropriate and lawful action to establish within U.S. Immigration and Customs Enforcement an office to provide proactive, timely, adequate, and professional services to victims of crimes committed by removable aliens and the family members of such victims. This office shall provide quarterly reports studying the effects of the victimization by criminal aliens present in the United States.

Sec. 14. Privacy Act. Agencies shall, to the extent consistent with applicable law, ensure that their privacy policies exclude persons who are not United States citizens or lawful permanent residents from the protections of the Privacy Act regarding personally identifiable information.

Sec. 15. Reporting. Except as otherwise provided in this order, the Secretary and the Attorney General shall each submit to the President a report on the progress of the directives contained in this order within 90 days of the date of this order and again within 180 days of the date of this order.

Sec. 16. Transparency. To promote the transparency and situational awareness of criminal aliens in the United States, the Secretary and the Attorney General are hereby directed to collect relevant data and provide quarterly reports on the following:

- (a) the immigration status of all aliens incarcerated under the supervision of the Federal Bureau of Prisons;
- (b) the immigration status of all aliens incarcerated as Federal pretrial detainees under the supervision of the United States Marshals Service; and
- (c) the immigration status of all convicted aliens incarcerated in State prisons and local detention centers throughout the United States.

Sec. 17. Personnel Actions. The Office of Personnel Management shall take appropriate and lawful action to facilitate hiring personnel to implement this order.

Sec. 18. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,  
January 25, 2017.

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The White House  
Office of the Press Secretary  
For Immediate Release  
January 25, 2017

# Executive Order: Border Security and Immigration Enforcement Improvements

EXECUTIVE ORDER

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## BORDER SECURITY AND IMMIGRATION ENFORCEMENT IMPROVEMENTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (INA), the Secure Fence Act of 2006 (Public Law 109-367) (Secure Fence Act), and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208 Div. C) (IIRIRA), and in order to ensure the safety and territorial integrity of the United States as well as to ensure that the Nation's immigration laws are faithfully executed, I hereby order as follows:

Section 1. Purpose. Border security is critically important to the national security of the United States. Aliens who illegally enter the United States without inspection or admission present a significant threat to national security and public safety. Such aliens have not been identified or inspected by Federal immigration officers to determine their admissibility to the United States. The recent surge of illegal immigration at the southern border with Mexico has placed a significant strain on Federal resources and overwhelmed agencies charged with border security and immigration enforcement, as well as the local communities into which many of the aliens are placed.

Transnational criminal organizations operate sophisticated drug- and human-trafficking networks and smuggling operations on both sides of the southern border, contributing to a significant increase in violent crime and United States deaths from dangerous drugs. Among those who illegally enter are those who seek to harm Americans through acts of terror or criminal conduct. Continued illegal immigration presents a clear and present danger to the interests of the United States.

Federal immigration law both imposes the responsibility and provides the means for the Federal Government, in cooperation with border States, to secure the Nation's southern border. Although Federal immigration law provides a robust framework for Federal-State partnership in enforcing our immigration laws - and the Congress has authorized and provided appropriations to secure our borders

- the Federal Government has failed to discharge this basic sovereign responsibility. The purpose of this order is to direct executive departments and agencies (agencies) to deploy all lawful means to secure the Nation's southern border, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely.

Sec. 2. Policy. It is the policy of the executive branch to:

(a) secure the southern border of the United States through the immediate construction of a physical wall on the southern border, monitored and supported by adequate personnel so as to prevent illegal immigration, drug and human trafficking, and acts of terrorism;

(b) detain individuals apprehended on suspicion of violating Federal or State law, including Federal immigration law, pending further proceedings regarding those violations;

(c) expedite determinations of apprehended individuals' claims of eligibility to remain in the United States;

(d) remove promptly those individuals whose legal claims to remain in the United States have been lawfully rejected, after any appropriate civil or criminal sanctions have been imposed;

(e) cooperate fully with States and local law enforcement in enacting Federal-State partnerships to enforce Federal immigration priorities, as well as State monitoring and detention programs that are consistent with Federal law and do not undermine Federal immigration priorities.

Sec. 3. Definitions. (a) "Asylum officer" has the meaning given the term in section 235(b)(1)(E) of the INA (8 U.S.C. 1225(b)(1)).

(b) "Southern border" shall mean the contiguous land border between the United States and Mexico, including all points of entry.

(c) "Border States" shall mean the States of the United States immediately adjacent to the contiguous land border between the United States and Mexico.

(d) Except as otherwise noted, "the Secretary" shall refer to the Secretary of Homeland Security.

(e) "Wall" shall mean a contiguous, physical wall or other similarly secure, contiguous, and impassable physical barrier.

(f) "Executive department" shall have the meaning given in section 101 of title 5, United States Code.

(g) "Regulations" shall mean any and all Federal rules, regulations, and directives lawfully promulgated by agencies.

(h) "Operational control" shall mean the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

Sec. 4. Physical Security of the Southern Border of the United States. The Secretary shall immediately take the following steps to obtain complete operational control, as determined by the Secretary, of the southern border:

- (a) In accordance with existing law, including the Secure Fence Act and IIRIRA, take all appropriate steps to immediately plan, design, and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border;
- (b) Identify and, to the extent permitted by law, allocate all sources of Federal funds for the planning, designing, and constructing of a physical wall along the southern border;
- (c) Project and develop long-term funding requirements for the wall, including preparing Congressional budget requests for the current and upcoming fiscal years; and
- (d) Produce a comprehensive study of the security of the southern border, to be completed within 180 days of this order, that shall include the current state of southern border security, all geophysical and topographical aspects of the southern border, the availability of Federal and State resources necessary to achieve complete operational control of the southern border, and a strategy to obtain and maintain complete operational control of the southern border.

Sec. 5. Detention Facilities. (a) The Secretary shall take all appropriate action and allocate all legally available resources to immediately construct, operate, control, or establish contracts to construct, operate, or control facilities to detain aliens at or near the land border with Mexico.

(b) The Secretary shall take all appropriate action and allocate all legally available resources to immediately assign asylum officers to immigration detention facilities for the purpose of accepting asylum referrals and conducting credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1225(b)(1)) and applicable regulations and reasonable fear determinations pursuant to applicable regulations.

(c) The Attorney General shall take all appropriate action and allocate all legally available resources to immediately assign immigration judges to immigration detention facilities operated or controlled by the Secretary, or operated or controlled pursuant to contract by the Secretary, for the purpose of conducting proceedings authorized under title 8, chapter 12, subchapter II, United States Code.

Sec. 6. Detention for Illegal Entry. The Secretary shall immediately take all appropriate actions to ensure the detention of aliens apprehended for violations of immigration law pending the outcome of their removal proceedings or their removal from the country to the extent permitted by law. The Secretary shall issue new policy guidance to all Department of Homeland Security personnel regarding the appropriate and consistent use of lawful detention authority under the INA, including the termination of the practice commonly known as "catch and release," whereby aliens are routinely released in the United States shortly after their apprehension for violations of immigration law.

Sec. 7. Return to Territory. The Secretary shall take appropriate action, consistent with the requirements of section 1232 of title 8, United States Code, to ensure that aliens described in section 235(b)(2)(C) of the INA (8 U.S.C. 1225(b)(2)(C)) are returned to the territory from which they came pending a formal removal proceeding.

Sec. 8. Additional Border Patrol Agents. Subject to available appropriations, the Secretary, through the Commissioner of U.S. Customs and Border Protection, shall take all appropriate action to hire 5,000 additional Border Patrol agents, and all appropriate action to ensure that such agents enter on duty and are assigned to duty stations as soon as is practicable.

Sec. 9. Foreign Aid Reporting Requirements. The head of each executive department and agency shall identify and quantify all sources of direct and indirect Federal aid or assistance to the Government of Mexico on an annual basis over the past five years, including all bilateral and multilateral development aid, economic assistance, humanitarian aid, and military aid. Within 30 days of the date of this order, the head of each executive department and agency shall submit this information to the Secretary of State. Within 60 days of the date of this order, the Secretary shall submit to the President a consolidated report reflecting the levels of such aid and assistance that has been provided annually, over each of the past five years.

Sec. 10. Federal-State Agreements. It is the policy of the executive branch to empower State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law.

(a) In furtherance of this policy, the Secretary shall immediately take appropriate action to engage with the Governors of the States, as well as local officials, for the purpose of preparing to enter into agreements under section 287(g) of the INA (8 U.S.C. 1357(g)).

(b) To the extent permitted by law, and with the consent of State or local officials, as appropriate, the Secretary shall take appropriate action, through agreements under section 287(g) of the INA, or otherwise, to authorize State and local law enforcement officials, as the Secretary determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the



Secretary. Such authorization shall be in addition to, rather than in place of, Federal performance of these duties.

(c) To the extent permitted by law, the Secretary may structure each agreement under section 287(g) of the INA in the manner that provides the most effective model for enforcing Federal immigration laws and obtaining operational control over the border for that jurisdiction.

Sec. 11. Parole, Asylum, and Removal. It is the policy of the executive branch to end the abuse of parole and asylum provisions currently used to prevent the lawful removal of removable aliens.

(a) The Secretary shall immediately take all appropriate action to ensure that the parole and asylum provisions of Federal immigration law are not illegally exploited to prevent the removal of otherwise removable aliens.

(b) The Secretary shall take all appropriate action, including by promulgating any appropriate regulations, to ensure that asylum referrals and credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1125(b)(1)) and 8 CFR 208.30, and reasonable fear determinations pursuant to 8 CFR 208.31, are conducted in a manner consistent with the plain language of those provisions.

(c) Pursuant to section 235(b)(1)(A)(iii)(I) of the INA, the Secretary shall take appropriate action to apply, in his sole and unreviewable discretion, the provisions of section 235(b)(1)(A)(i) and (ii) of the INA to the aliens designated under section 235(b)(1)(A)(iii)(II).

(d) The Secretary shall take appropriate action to ensure that parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.

(e) The Secretary shall take appropriate action to require that all Department of Homeland Security personnel are properly trained on the proper application of section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) and section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)), to ensure that unaccompanied alien children are properly processed, receive appropriate care and placement while in the custody of the Department of Homeland Security, and, when appropriate, are safely repatriated in accordance with law.

Sec. 12. Authorization to Enter Federal Lands. The Secretary, in conjunction with the Secretary of the Interior and any other heads of agencies as necessary, shall take all appropriate action to:

(a) permit all officers and employees of the United States, as well as all State and local officers as authorized by the Secretary, to have access to all Federal lands as necessary and appropriate to implement this order; and

(b) enable those officers and employees of the United States, as well as all State and local officers as authorized by the Secretary, to perform such actions on Federal lands as the Secretary deems necessary and appropriate to implement this order.

Sec. 13. Priority Enforcement. The Attorney General shall take all appropriate steps to establish prosecution guidelines and allocate appropriate resources to ensure that Federal prosecutors accord a high priority to prosecutions of offenses having a nexus to the southern border.

Sec. 14. Government Transparency. The Secretary shall, on a monthly basis and in a publicly available way, report statistical data on aliens apprehended at or near the southern border using a uniform method of reporting by all Department of Homeland Security components, in a format that is easily understandable by the public.

Sec. 15. Reporting. Except as otherwise provided in this order, the Secretary, within 90 days of the date of this order, and the Attorney General, within 180 days, shall each submit to the President a report on the progress of the directives contained in this order.

Sec. 16. Hiring. The Office of Personnel Management shall take appropriate action as may be necessary to facilitate hiring personnel to implement this order.

Sec. 17. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,  
January 25, 2017.

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    - America First Foreign Policy
    - Bringing Back Jobs And Growth
    - Making Our Military Strong Again
    - Standing Up For Our Law Enforcement Community
    - Trade Deals That Work For All Americans
- The Administration
  - The Administration
    - President Donald J. Trump
    - Vice President Mike Pence
    - First Lady Melania Trump
    - Mrs. Karen Pence
    - The Cabinet
  - Executive Offices
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- Council on Environmental Quality
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- Office of National Drug Control Policy
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  - The 58th Presidential Inauguration
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    - Getting Americans Back to Work
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    - President Trump Stands With Israel
    - Support the Repeal and Replacement of Obamacare
  - 1600 Penn
    - History & Grounds
      - Presidents
      - First Ladies
      - The Vice President's Residence & Office
      - Eisenhower Executive Office Building
      - Camp David
      - Air Force One
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      - The Executive Branch
      - The Legislative Branch
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(b) (6)

(b) (6)

Chief Information Officer

U.S. Office of Personnel Management

Responsible for overseeing the operation of information technology (IT) practices and systems supporting the Federal civilian workforce, such as hiring systems (USAJOBS), retirement services systems, background investigation systems, etc., as well as all network and administrative IT systems supporting the operations of the agency.

Acting Deputy Assistant Secretary of Defense for Warrior Care Policy

U.S. Department of Defense, Assistant Secretary of Defense for Healthcare

Responsible for developing policies and overseeing operations of the Military Departments' Wounded, Ill, and Injured Programs, affecting the transition of military members to the Veterans Administration. Established and oversaw the DoD program for caregivers to military members and their families.

Principal Director, Civilian Personnel Policy / Deputy Chief Human Capital Officer

U.S. Department of Defense, Assistant Secretary of Defense for Readiness

Responsible for developing policies and overseeing operations of DoD-wide Human Resources (HR) programs, from strategy to separation, including budget, contracts, and oversight of DoD-wide HR IT programs.

Director, Defense Civilian Personnel Advisory Services, Human Resources Information Technology

U.S. Department of Defense, Assistant Secretary of Defense for Readiness

Responsible for developing and operating IT systems used DoD-wide for civilian personnel management, including compliance with HR and IT policies, such as HR workforce planning systems, transaction processing systems, learning management, performance management, and HR data analytics and reporting systems.

Director, Logistics Planning and Innovation

U.S. Department of the Navy, Deputy Chief of Naval Operations

Responsible for developing the Navy's readiness and logistics program, approximately \$45 billion annually.

Deputy Assistant for Administration

U.S. Department of the Navy, Under Secretary of the Navy

Responsible for service excellence in human capital management, financial management, facilities and services, information technology, charitable campaigns, and special programs to the Department of the Navy Secretariat enterprise.

Associate Chief Information Officer for Information Technology Oversight and Chief Information Officer

U.S. Department of Transportation, Office of the Secretary of Transportation

Responsible for information technology (IT) strategic planning assuring alignment with the department's mission, establishing and maintaining enterprise architecture, managing existing IT investments using standard life cycle management methodologies and earned value management, and assessing organizational compliance.

Chief Information Officer and Special Assistant to the Associate Administrator for Administration  
U.S. Department of Transportation, Maritime Administration

Responsible for information technology (IT) strategic planning assuring alignment with the department's mission, establishing and maintaining enterprise architecture, managing existing IT investments using standard life cycle management methodologies and earned value management, and assessing organizational compliance.

Acting Director for Information Technology/Deputy Chief Information Officer  
U.S. Department of Transportation, Federal Motor Carrier Safety Administration

Responsible for four divisions: 1) Planning Division, 2) Project Management Division, 3) Systems Development Division, and 4) Systems Operations Division.

Director for Enterprise Application Management  
U.S. Department of the Navy, Program Executive Office for IT

Responsible for reducing DOT functional business systems and ensuring operation within the Navy/Marine Corps Intranet (NMCI) environment.

Director for Acquisition Program Management and Oversight  
U.S. Department of the Navy, Program Executive Office for IT

Exercised acquisition management oversight authority for enterprise-level Acquisition Category I and III programs, making recommendations to Milestone Decision Authorities (MDA) and OMB.

Communications Officer  
U.S. Department of the Navy, Electronic Acquisition for the 21<sup>st</sup> Century

Developed a comprehensive communication strategy (commercial publications, trade-show booths, Internet videos, etc.) to promote implementation of DON-wide acquisition business processes and automated systems.

Program Manager / Deputy Program Manager  
U.S. Department of the Navy, Tactical Aircraft Mission Planning Systems and Common Helicopter Aviation Mission Planning System

Responsible for design and delivery of a real-time virtual battlefield picture, including weaponry and troops.

---

**EDUCATION**

- Classes leading to M.S. in Operational Research, George Mason University
- B.S. in Computer Science, George Mason University, (b) (6)

---

**ADDITIONAL SKILLS / CERTIFICATIONS**

- Certified Acquisition Professional at Level 3 in Program Management

# HRIT Strategic Improvement Opportunities (SIOs)

Current Scope / Initiatives		Business Lead / PM Lead	
Priority	SIO Name		
1	End-to-End Hiring: Talent Acquisition	1.1 Identify current usage of USA Staffing and Monster Federal across DHS components, compare contracts, prices, and functionality and assess alternative approaches (one tool, both, expanded functions, POCs, etc.). Ensure focus on standardized data and processes. ✓ Establish single Interagency Agreement (IAA) for USA Staffing • Establish single contract for Monster Federal • Identify enhancements for USA Staffing and Monster Federal	Business Leads: Angela Greer, HCBS; Mike Williams, HCPP; and Americo Yabar, HCBS PM Lead: Alvin Holt, HCBS
2	End-to-End Hiring: Workforce Planning	2.1 Provide manpower models and systems to formally document DHS-wide staffing requirements and authorized (funded) positions for all DHS Components. A resulting database will provide a "system of record" that documents current and future authorized positions to facilitate end-to-end hiring, while linking personnel expenditures to the major department-wide missions and organizations they support. • Automate data interchange for vacant positions and 20 additional position management data fields in EIE • Automate manpower models registry • Evaluate shared service solutions for position management	Business Lead: Sid Evans, SWPA PM Lead: Neil Singh, HCBS
3	End-to-End Hiring: Security Classification/B ackground Investigation	3.1 Document the business processes within each Component to ensure integration of hiring systems with the single DHS Integrated Security Management System (ISMS), develop and implement information exchanges to connect the systems used to process manual data entry associated with transferring information on transactions, and increase the speed to onboard personnel to meet occupation hiring timeframes. • Connect HR processing systems to the Integrated Security Management System (ISMS)	Business Lead: Andre Davis, NPPD PM Lead: Amir Dastouri, OCIO
4	Learning Management	4.1 Finish PALMS implementation underway, work with Chief Learning Officer Council (CLOC) to ensure EHRI, SF-182 reporting, and other DHS future requirements for all Components. Develop and implement information exchanges to connect the systems needed. Work to purchase capability in FY18, as needed. • Complete PALMS/Learning Management Module implementation • Transition PALMS/Learning Management Module into Operations and Support • Identify potential shared service solutions for follow-on learning management capabilities	Business Lead: Jess Soto, SLD&E PM Lead: Kimberly Thorpe, HCBS



# HRIT Strategic Improvement Opportunities (SIOs)

Current Scope / Initiatives		Business Lead / PM Lead	
5	<p>Data Management &amp; Sharing – Enterprise HC Reporting and Analysis</p> <p>5.1 Develop common model and standardized information exchange to capture the appropriate “time-to-hire” information for each of the DHS Components, implement the exchange of data from Components into the Human Capital Analytics Intelligence System (AXIS), create and test reports for tracking the time-to-hire across all DHS Components, implement a production system for reporting to OMB, and other oversight bodies.</p> <ul style="list-style-type: none"> <li>Automate time-to-hire data interchange from Components to EIE</li> </ul>	<p>Business Lead: David Ashley, SWPA and Mike Williams, HCPP</p> <p>PM Lead: Neil Singh, HCBS</p>	
6	<p>On-boarding Process &amp; Off-boarding Process</p> <p>6.1 Document the performance expectations, business processes, data requirements, and systems used for on-boarding and off-boarding employees and contractors at each DHS Component. Identify Improvement Initiatives, to include design and implementation of information exchanges to connect the systems used to facilitate the processes. Initial focus will be on the security process and the use of Access Lifecycle Management (ALM) to ensure that once an Enter on Duty data is assigned a DHS employee will have a DHS PIV card email account, and access to systems, such as PALMS upon arrival at DHS; and that access is terminated during closeout procedures as employees leave DHS.</p> <ul style="list-style-type: none"> <li>Automate information exchanges between HR transaction processing systems and Access Lifecycle Management (ALM)</li> </ul>	<p>Business Lead: Donna Seymour, SWPA and Denascia Salley, HRMS</p> <p>PM Lead: Amir Dastouri, OCIO</p>	
7	<p>Performance Management</p> <p>7.1 Finish PALMS pilot underway at HQ. Work to implement capability in FY18.</p> <ul style="list-style-type: none"> <li>Evaluate pilot of PALMS/Performance Management Module at HQ</li> <li>Identify potential shared service solutions for follow-on performance management capabilities</li> </ul>	<p>Business Leads: Bob Lauria, HCPP and Steve Church, HRMS</p> <p>PM Lead: Yvette Wilson, HCBS</p>	
8	<p>HR Document Management – ER/LR Case Management</p> <p>8.1 Consolidate available data from current systems to meet the reporting needs of the department and Components.</p> <ul style="list-style-type: none"> <li>Consolidate data from Components to produce DHS ER/LR report</li> </ul> <p>8.2 Establish requirements and identify appropriate ER/LR tracking systems, including document management systems if feasible, that Components can acquire if needed. Ensure data integrity from each system and continue reporting requirements.</p> <ul style="list-style-type: none"> <li>Implement automated ER/LR management solution</li> </ul>	<p>Business Lead: Casey Allen, HCPP</p> <p>PM Lead: Neil Singh, HCBS</p>	
9	<p>Payroll Action Processing</p> <p>9.1 Plan and complete implementation of CBP migration to WebTA in FY18/19.</p> <ul style="list-style-type: none"> <li>Migrate CBP to WebTA</li> </ul>	<p>Business Lead: Kat Druitt, CBP and Melanie Nini, HCBS</p> <p>PM Lead: Michael George, CBP and Neil Singh, HCBS</p>	

**Mahoney, Michael J**

---

**From:** Edwards, Roland <(b) (6)>  
**Sent:** Friday, June 30, 2017 10:41 AM  
**To:** Mahoney, Michael J  
**Subject:** (b) (5), (b) (6)  
**Attachments:** Seymour DCW Request.pdf

Good morning –

(b) (5)



Thanks,

**Roland Edwards**  
Deputy Chief Human Capital Officer  
Office of the Chief Human Capital Officer  
Department of Homeland Security

(b) (6)



*“With honor and integrity, we will safeguard the  
American people, our homeland, and our values.” ...DHS Mission*

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**Mahoney, Michael J**

---

**From:** Mahoney, Michael J  
**Sent:** Friday, June 30, 2017 2:59 PM  
**To:** Edwards, Roland  
**Cc:** Holden, Kimberly A., (b) (6)  
**Subject:** R (b) (5), (b) (6)  
**Attachments:** 20170630145449399.pdf

Roland,

The signed approval is attached...

-mike

---

**From:** Edwards, Roland (b) (6)  
**Sent:** Friday, June 30, 2017 10:41 AM  
**To:** Mahoney, Michael J  
**Subject:** (b) (5), (b) (6)

Good morning –

(b) (5)

Thanks,

**Roland Edwards**  
Deputy Chief Human Capital Officer  
Office of the Chief Human Capital Officer  
Department of Homeland Security  
(b) (6)

*"With honor and integrity, we will safeguard the  
American people, our homeland, and our values." ...DHS Mission*

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UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

Employee Services

Mr. Angela Bailey  
Chief Human Capital Officer  
U.S. Department of Homeland Security  
Office of the Chief Human Capital Officer  
245 Murray Lane, SW  
Washington, DC 20528

JUN 30 2017

Dear Ms. Bailey:

The U.S. Office of Personnel Management (OPM) approves your June 29, 2017, request to the Acting Director to waive the dual compensation reduction (salary offset) waiver for (b) (6). We are granting your request for a period not to exceed June 30, 2018. This waiver enables The Department of Homeland Security (DHS) to retain the services of (b) (6) in the position of Executive Director, Human Capital Business Solutions (HCBS). In this position, (b) (6) will continue her work on the project of standing-up the HCBS and guiding it through a variety of operational challenges during its initial year of operation.

The agency's request meets the criteria for approval of a waiver of dual compensation reduction, as stated in sections 8344(i) or 8468(f) (as appropriate) of title 5, United States Code, and section 553.201 of title 5, Code of Federal Regulations. Specifically, based on information you have provided, OPM is approving your request based on 5 CFR 553.201(e) – "Exceptions based on the need to retain a particular individual." The criteria for approving a waiver in this case are met by the following information.

(1) *The critical nature of the project.* (b) (6) is needed to continue her work on the stand-up of the HCBS. The HCBS implements the program strategy, structure, and requirements of DHS' Human Resources Information Technology (HRIT) program. (b) (6) will establish the organizational foundation, including the development of standard operating procedures, for the HCBS in years to come. To accomplish this, she is tasked with several implementation projects lasting 3 to 6 months over the next calendar year. These include: assessing existing talent and identifying HCBS skills gaps during over the next 3 months; identifying and negotiating enhancements to existing human resources (HR) systems and evaluating shared service solutions over a 6 month period; and developing a strategy to help ensure connectivity of multiple HR systems across DHS during a subsequent 3 month period.

These projects are important because the establishment of the HCBS and its viability moving forward are necessary for successful human resources management at a time when large-scale hiring efforts are underway at DHS in response to recent Executive Orders titled: "Border Security and Immigration Enforcement Improvements," and "Enhancing Public Safety in the Interior of the United States." Losing (b) (6) at this juncture could delay the refocus and

redesign of work of the HCBS, as well as program accountability and communications across many business lines and stakeholders within DHS.

(2) *Candidate's unique qualifications.* (b) (6) many of years of service include leadership stints as at several agencies, including the Department of Defense as well as its components. She has operational as well as policy experience which includes: integrating IT systems, developing policies and overseeing IT operations for Federal personnel management systems, and managing Department-wide HR programs (including budget, contracts, and oversight of large-scale information technology programs). This level of experience has provided (b) (6) with the breadth of knowledge necessary for successful implementation of the HCBS during its first year.

(3) *Need for retention.* (b) (6) refuses continued reemployment without this waiver. Consequently, DHS will lose (b) (6) services unless the waiver is granted. Not retaining (b) (6) would have an immediate and negative impact on DHS's ability to establish HCBS in a successful manner.

(4) *Other staffing options.* (b) (6) is only the current DHS employee who possesses the mix of HR operations, IT management and operations, program management, and acquisitions management skill sets needed for successful implementation of the HCBS during its first year. DHS stated it will begin recruitment efforts to fill the HCBS Executive Directive position and does anticipate keeping (b) (6) beyond the initial start-up year specified in their request.

The salary offset waiver is effective from the date of the approval letter until June 30, 2018. Reemployed annuitants serve at the will of the appointing official, per 5 U.S.C. 3323. You may adjust work schedules and terminate employment without substantial notice. Annuitants with a salary offset waiver are covered by Social Security and may not make retirement contributions or participate in the Thrift Savings Plan per 5 CFR 553.203.

If you or your staff have any questions or need further information, please contact (b) (6) or by email at (b) (6)

Sincerely,

(b) (6)

Kimberly A. Holden  
Deputy Associate Director  
Recruitment and Hiring

# INTERCHANGE AGREEMENT(S)

## Mahoney, Michael J

---

**From:** Holden, Kimberly A.  
**Sent:** Wednesday, August 09, 2017 3:43 PM  
**To:** Mahoney, Michael J  
**Subject:** FW: DHS/TSA Interchange Agreement Extension  
**Attachments:** TSA IA Extension Request-Signed.pdf

Mike – For your action. Thanks

*Kimberly A. Holden  
Deputy Associate Director Recruitment and Hiring  
Office of Personnel Management  
Employee Services  
1900 E Street, N.W. 6500AJ  
Washington, DC 20415*

(b) (6)

**From:** (b) (6)  
**Sent:** Wednesday, August 09, 2017 3:41 PM  
**To:** Holden, Kimberly A.  
**Cc:** (b) (6)  
**Subject:** DHS/TSA Interchange Agreement Extension

Good Afternoon,

The Department of Homeland Security, Transportation Security Administration requests to extend the current five-year interchange agreement, which is set to expire on January 31, 2018. Please see the attached memo, approved by the DHS Policy Executive Director.

If you have any questions about this request please, please contact me.

Thank you,

(b) (6)

HR Specialist  
Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ

(b) (6)

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**Homeland  
Security**

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# Homeland Security

Ms. Kimberly Holden  
Deputy Associate Director, Recruitment and Hiring  
U.S. Office of Personnel Management  
1900 E Street, NW  
Washington, DC 20415

Dear Ms. Holden:

The Department of Homeland Security (DHS) is requesting a five-year extension of the current interchange agreement between the DHS, Transportation Security Administration (TSA), and the Office of Personnel Management (OPM). The DHS TSA Interchange Agreement allows TSA's excepted employees to be non-competitively appointed to positions in the competitive civil service, and employees serving in positions in the competitive civil service to be non-competitively appointed to positions within the TSA. The agreement was established on February 1, 2005, pursuant to Section 6.7 of the Civil Service Rules. The OPM approved previous extensions, including the current five-year extension which is set to expire on January 31, 2018.

TSA was established by the Aviation and Transportation Security Act (ATSA), Pub. L. 107-71, in November 2001, in response to the terrorist attacks of September 11, 2001. TSA was granted broad flexibility with regard to its personnel management system to allow for quick and effective responses to transportation security needs. Under ATSA, TSA is authorized to set the qualifications, conditions and standards of employment for the Transportation Security Officer (TSO) workforce, notwithstanding any other provision of law. ATSA also provided that TSA would stand up its organization using the Federal Aviation Administration (FAA) personnel management system with the authority to modify and/or develop its own personnel processes consistent with 49 U.S.C. § 40122, which identifies the specific Title 5 provisions applicable to the non-TSO TSA workforce.

The DHS TSA's Interchange Agreement with the competitive service continues to be effective in improving the recruitment and retention of excepted service employees. Since our last extension request, TSA has continued to refine and improve its human capital management policies and practices consistent with its statutory authority. The interchange agreement continues to provide current TSA employees with expanded career options within DHS and the Federal government. From 2014 to 2016, over 1,335 TSA employees have transferred to other competitive service Federal agencies. The interchange agreement strengthens TSA's ability to recruit from a diverse population, to include veterans who make up approximately 20 percent of the TSA workforce. The interchange agreement also provides current TSA employees with expanded career

options within DHS and the rest of the Federal Government where a majority of positions are in the competitive service.

TSA is committed to maintaining accountability over its human capital programs. TSA policy provides for program management evaluation of human capital programs to ensure they are consistent with TSA policies, applicable business rules and merit system principles. TSA regularly conducts program management evaluations on all areas of human capital programs, including, performance management, awards, employee onboarding and separation procedures, employee relations, payroll and leave, and provides corrective measures where appropriate, to include refresher training.

In addition to its internal reviews, TSA has also been subject to outside audits of its human capital programs. OCHCO and OPM found TSA's human capital programs complied with merit system principles and other civil service laws and regulations, including those related to prohibited personnel practices.

The interchange agreement with the DHS TSA and the OPM continues to be an important recruitment and retention tool for DHS. The interchange agreement strengthens TSA's ability to recruit from a diverse population, it helps to retain valuable knowledge, skills and experience by facilitating the movement of employees between the excepted service and the competitive service.

If you require additional information, do not hesitate to contact (b) (6)  
Manager, Hiring Reform and Staffing Policy of (b) (6) or via email at  
(b) (6)

Sincerely,

(b) (6)

Gwen Yandari  
Executive Director  
Human Capital Policy and Programs

Enclosures

**Mahoney, Michael J**

---

**From:** (b) (6)  
**Sent:** Thursday, August 10, 2017 8:02 AM  
**To:** Mahoney, Michael J  
**Subject:** RE: DHS/TSA Interchange Agreement Extension

Thanks Mike. We will work w (b) (6) see what else is needed.

--  
R  
(b) (6)

**From:** Mahoney, Michael (b) (6)  
**Sent:** Wednesday, August 9, 2017 4:03 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** FW: DHS/TSA Interchange Agreement Extension

(b) (6)

There were no attachments to this doc...pls provide to Darlene

Thanks,

-mike

**From:** (b) (6)  
**Sent:** Wednesday, August 09, 2017 3:41 PM  
**To:** Holden, Kimberly A.  
**Cc:** (b) (6)  
**Subject:** DHS/TSA Interchange Agreement Extension

Good Afternoon,

The Department of Homeland Security, Transportation Security Administration requests to extend the current five-year interchange agreement, which is set to expire on January 31, 2018. Please see the attached memo, approved by the DHS Policy Executive Director.

If you have any questions about this request please, please contact me.

Thank you,

(b) (6)

HR Specialist  
Hiring Reform and Staffing Policy  
Human Capital Policy and Programs  
Department of Homeland Security, HQ

(b) (6)

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**Homeland  
Security**

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**Mahoney, Michael J**

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**From:** (b) (6)  
**Sent:** Friday, September 01, 2017 8:17 AM  
**To:** Mahoney, Michael J  
**Cc:** (b) (6)  
**Subject:** FW: re: TSA Interchange Agreement

Hi Mike,

Forwarding this to you in Darlene's absence. Thanks in advance for your assistance. Please let us know if you have any questions.

V/r,

(b) (6)

**From:** (b) (6)  
**Sent:** Friday, September 1, 2017 8:08 AM  
**To:** (b) (6)  
**Cc:** (b) (6)

**Subject:** RE: re: TSA Interchange Agreement

Hi (b) (6)

Here is the requested info:

TSA Competitive Service Transfers In FY2013-2017 (Through Pay Period 16)						
	FY2013	FY2014	FY2015	FY2016	2017	Grand Total
Count of Competitive Service Transfers In	73	152	80	112	100	517
Note: Competitive Service Transfers In identified using th Gain/Lose Department code from NFC PERHIS data as stored in the OHC Access integrated data warehouse						

Please let us know if you need further details.

Thanks,

(b) (6)

(b) (6)

**From:** (b) (6)  
**Sent:** Wednesday, August 30, 2017 4:00 PM  
**To:** (b) (6)  
**Subject:** RE: re: TSA Interchange Agreement

Ok, thank you

(b) (6)

**From:** (b) (6)  
**Sent:** Wednesday, August 30, 2017 3:58 PM  
**To:** (b) (6)  
**Subject:** RE: re: TSA Interchange Agreement

Thanks (b) (6) he's aware, and we're trying to track down the number. Hopefully we'll have it to you yet this week.

(b) (6)

**From:** (b) (6)  
**Sent:** Wednesday, August 30, 2017 3:21 PM  
**To:** (b) (6)  
**Subject:** FW: re: TSA Interchange Agreement  
**Importance:** High

(b) (6) ending to you because I have not heard from (b) (6) do not whether he received this message.

Thank You,

(b) (6)

**From:** (b) (6)  
**Sent:** Tuesday, August 29, 2017 2:59 PM  
**To:** (b) (6)  
**Subject:** re: TSA Interchange Agreement  
**Importance:** High

TSA transferred 1,335 employees to the competitive service. How many transferred to TSA? Need ASAP.

Thank You,

(b) (6)



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

SEP 27 2017

Ms. Gwen Yandall  
Executive Director  
Human Capital Policy and Programs  
Office of the Chief Human Capital Officer  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Ms. Yandall:

I am pleased to inform you that I have approved your request to extend the interchange agreement under Civil Service Rule 6.7 between the competitive civil service and the U.S. Department of Homeland Security (DHS), Transportation Security Administration (TSA). The current agreement expires effective January 31, 2018. This extension is granted for a period of five years, through January 31, 2023.

The U.S. Office of Personnel Management (OPM) reviewed the TSA's personnel management system and found that it is merit-based and operates consistently within merit-system principles. OPM is pleased that a total of 517 employees transferred from the competitive service to TSA during the period 2013 through 2017. A total of 1,335 TSA employees have transferred to the competitive service during the period 2014 through 2016; veterans make-up approximately 20 percent of the TSA workforce; and the interchange agreement continues to be both a recruitment and retention tool for DHS.

The interchange agreement is being extended with the continued understanding that it may be terminated if the conditions for interchange cease to exist. OPM will consider a request for further extension, which may be subject to an additional personnel management system review, if made before the January 31, 2023, termination date.

We will notify the Federal community of the extension of the DHS/TSA interchange agreement through a posting on OPM's Web site and by issuing a notice through OPM's Notice and Posting System. Questions pertaining to this action may be addressed to (b) (6) at

(b) (6)

Sincerely,

(b) (6)

Kathleen M. McCreary  
Acting Director

## OTHER DOCUMENTS





## Homeland Security

Kimberly Holden  
Deputy Associate Director  
Recruitment and Hiring  
U.S. Office of Personnel Management  
1900 E. Street, NW  
Washington, DC 20415-1000

Dear Ms. Holden:

The Department of Homeland Security (DHS) requests on behalf of the Federal Law Enforcement Training Center (FLETC) temporary authority to make and extend term appointments not-to-exceed five years for current and future appointments to FLETC's Law Enforcement Specialist (Instructor) GS-1801 position, grade levels 12/13, as well as other training support positions within the 1700 occupational series. This request is submitted to the U.S. Office of Personnel Management in accordance with title 5 Code of Federal Regulations § 316.301(b).

FLETC is responsible for providing basic training for all newly hired law enforcement officers (LEOs) DHS-wide. As a result of the President's two Executive Orders, *Border Security and Immigration Enforcement Improvements*, which mandates the hiring of 5,000 additional border patrol agents, and *Enhancing Public Safety in the Interior of the United States*, which mandates the hiring of 10,000 additional immigration officers, the Department expects a significant influx of LEOs. Because of this, FLETC anticipates they will need approximate (b) (7)(E) additional Law Enforcement Specialists (Instructors) positions and an unknown number of training support positions, term or temporary, to support increased training associated with this hiring surge. FLETC must be able to utilize the hiring flexibilities and retention processes in the most expeditious and efficient manner. This may be made possible by mitigating the time and personnel required to request extensions of 4-year term appointments on an individual basis.

FLETC, in consultation with the U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE) are projecting the hiring surge to last for five years. FLETC's request to make and extend term appointments, not-to-exceed five years in duration is based on this projection. The temporary authority for five year term appointments will limit disruption to the ongoing training demands at FLETC and will support CBP's and ICE's training goals for their LEOs.

FLETC must fill positions in various locations, including: (b) (7)(E)

(b) (7)(E)

Position Title(s)	Series	Grade(s)	Geographic Location
Law Enforcement Specialist (Instructors)	1801	12/13	(b) (7)(E)
Athletic Trainer	1701	11/12	
Training Research Analyst	1701	12	
Senior Training Research Analyst	1701	12/13	
Training Technician	1702	07/08/09	
Training Instructors	1712	13	
Training Administrators	1712	11/12	
Training Admissions Administrators	1712	12	
Training Specialists	1712	13/14	
Instructional Systems Specialists	1750	12/13	

We would appreciate a favorable determination of this request. If you have any further questions you may contact me on (b) (6) or via email at (b) (6). Your staff may contact (b) (6).

Sincerely,

(b) (6)

Gwen Yandall

Executive Director

Human Capital Policy and Programs



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

Employee Services

JUN 28 2017

Gwen Yandall  
Executive Director  
Human Capital Policy and Programs  
United States Department of Homeland Security

Dear Ms. Yandall:

This responds to your April 18, 2017, request for an exception to 5 CFR 316.301(a) that would allow the U.S. Department of Homeland Security (DHS) to make initial term appointments up to five years for positions needed in response to two recent Executive Orders (EO), *Border Security and Immigration Enforcement Improvements*, and *Enhancing Public Safety in the Interior of the United States*. Your request was for positions within in the Federal Law Enforcement Training Center (FLETC) located in: (b) (5), (b) (7)(E)

(b) (5), (b) (7)(E) Because the length of the initial term appointments you are requesting exceeds the duration of the President's current term, the U.S. Office of Personnel Management (OPM) denies your request.

OPM believes making traditional term appointments up to four years is the best way to meet your hiring needs for these positions. You may request extensions of these appointments if the need arises.

We appreciate the opportunity to assist you. If you have any further questions, please contact (b) (6) Human Resources Specialist, at (b) (6) or by email at (b) (6)

(b) (6)

Kimberly A. Holden  
Deputy Associate Director  
Recruitment & Hiring



**Homeland  
Security**

**AUG 11 2017**

Kimberly Holden  
Deputy Associate Director Recruitment and Hiring  
U.S. Office of Personnel Management 1900 E. Street, NW  
Washington, DC 20415-1000

Dear Ms. Holden:

On March 29, 2017, the Federal Law Enforcement Training Centers (FLETC) requested, through the Department of Homeland Security (DHS) Office of the Chief Human Capital Officer, the Office of Personnel Management (OPM), to grant temporary authority to appoint individuals to term appointments and to extend currently appointed term employees not-to-exceed five years for its Law Enforcement Specialists (Instructors), 1801, and various training support positions within the 1700 occupational series. The request was made in anticipation of FLETC's mission requirements resulting from the President's two Executive Orders, *Border Security and Immigration Enforcement Improvements* and *Enhancing Public Safety in the Interior of the United States*.

Subsequently, on June 28, 2017, OPM denied the request based on the rationale that the term appointments requested would exceed the duration of the President's current term. It was not FLETC's intent to correlate the request to extend term appointments with the term of the President. FLETC's initial request was to make and extend term appointments, not-to-exceed five years in duration, based on DHS' hiring surge projections mandated by the Executive Orders. While FLETC currently uses the traditional four-year term appointments, and have found this hiring option to be beneficial, these appointments may also ultimately result in exceeding the President's term.

FLETC requests OPM's reconsideration of this decision, and ask that you authorize an exception to the four-year term appointment limit. FLETC is responsible for providing basic training for all new law enforcement officers. As dictated by accreditation standards, new 1801 instructors must become certified in order to independently instruct and conduct graded practical exercises in FLETC's training programs. This certification process takes four to six months to complete. In order to meet the anticipated surge in the U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) officers, FLETC must have a ready-to-go cadre of fully certified instructors no later than September 2017. FLETC is currently estimating the need for approximately 300 additional temporary or term Law Enforcement Specialists (Instructors), GS-1801-12/13. Finalization of staffing needs are dependent upon student throughput for ICE and CBP. FLETC will also require training support positions within the 1700 occupational series to support the hiring surge.

In accordance with FLETC's instructor staffing model, FLETC and its Partner Organizations (i.e., ICE and CBP) will each be responsible for 50% of the overall increase in instructor staffing as a result of the Executive Orders. Therefore, FLETC's hiring needs will be affected by whether Partner Organizations provide instructors or whether they provide funding for FLETC to hire them.

The ability to extend appointments up to the five-year term would allow well-trained and on-board FLETC employees to continue their service during the surge period of the Executive Orders. The temporary authority for five-year term appointments will limit disruption to the required, ongoing training demands provided by FLETC to support the DHS' mission.

*Positions that are requested for up to five year extensions.*

Position Title(s)	Series	Grade(s)	Geographic Location(s)
Law Enforcement Specialists (Instructors)	1801	12/13	All Locations **
Athletic Trainer	1701	11/12	All Locations**
Training Research Analyst	1701	12	All Locations**
Senior Training Research Analyst	1701	12/13	All Locations **
Training Technician	1702	07/08/09	All Locations **
Training Instructors	1712	13	All Locations **
Training Administrator	1712	11/12	All Locations **
Training Admissions Administrators	1712	12	All Locations**
Training Specialists	1712	13/14	All Locations**
Instructional Systems Specialists	1750	12/13	All Locations **

\*\* Artesia, New Mexico; Charleston, South Carolina; Cheltenham, Maryland; and Glynco, Georgia.

We appreciate your reconsideration of this request. If you have any further questions you may contact me on (b) (6), or via email at (b) (6). Your staff may contact (b) (6).

Sincerely,

(b) (6)

Gwen Randall  
Executive Director,  
Human Capital Policy and Programs



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

Employee Services

SEP - 7 2017

Gwen Yandall  
Executive Director  
Human Capital Policy and Programs  
United States Department of Homeland Security

Dear Ms. Yandall:

This responds to your August 11, 2017, letter to the Office of Personnel Management (OPM) asking for reconsideration of our previous denial of the U.S. Department of Homeland Security's (DHS) request to make initial term appointments up to five years for various positions within the Federal Law Enforcement Training Center (FLETC). OPM denied your request for an exception to 5 CFR 316.301(a) that would allow FLETC to make five year term appointments for various positions within FLETC located in (b) (5), (b) (7)(E) (b) (5), (b) (7)(E)

Though you stated that FLETC's intent is not to correlate the extension request with the President's current term, the justification provided states the need for the extended initial term appointments is based on mission requirements resulting from two recent Executive Orders (EO) titled, "Border Security and Immigration Enforcement Improvements," and "Enhancing Public Safety in the Interior of the United States". Because an EO can be rescinded by the next President at any time, OPM believes that in this instance it is not prudent to grant a request which exceeds the tenure of the President on whose directives the request is based. If DHS finds that the term appointments of employees needed to carry the out the President's EOs must be extended beyond the 4 year time limit, please submit an extension request to OPM in accordance with 5 CFR 316.301(b).

I appreciate the opportunity to assist you. If you have any further questions, please contact Mr. (b) (6) Human Resources Specialist, at (b) (6) or by email at (b) (6)

Sincerely,

(b) (6)

Kimberly A. Holden  
Deputy Associate Director  
Recruitment & Hiring



August 4, 2017

U.S. Office of Personnel Management  
FOIA Requester Service Center  
1900 E Street, N.W.  
Room 4458  
Washington, D.C. 20415-7900

Re: Freedom of Information Act

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, The Protect Democracy Project hereby requests that your office produce within 20 business days the following records (see below for clarity on the types of records sought):

1. All documents, including communications, memoranda, assessments, and final determinations, related to the requests by the Department of Homeland Security ("DHS") for various hiring authorities outlined on pages 12 and 13 of the Department of Homeland Security's "90-day Progress Report to the President on Executive Order 13767: Border Security and Immigration Enforcement Improvements" (Apr. 25, 2017), *available at* <https://assets.documentcloud.org/documents/3553905/Borderreport.pdf>, including but not limited to:
  - a. Any request by the DHS Chief Human Capital Officer or any other representative of DHS for "Direct Hire Authority" related to personnel whose duties relate to enforcement of any immigration law at the border or in the interior of the United States
  - b. Any request by DHS to amend the qualifications standard for Border Patrol Agent
  - c. Any request from DHS for special salary rates for remote and hard-to-fill locations
  - d. Any request from DHS for Dual Compensation Waivers
  - e. Any request by DHS to conduct a National Agency check or possible alternatives

- f. Any request by DHS relating to interchange agreements relating to enforcement of any immigration law at the border or in the interior of the United States
  - g. Any request by DHS to extend the probationary period for employees involved in the enforcement of any immigration law at the border or in the interior of the United States
- 2. All communications with DHS or other documents regarding which functions related to enforcement of any immigration law at the border or in the interior of the United States constitute “commercial activities” and which constitute “inherently governmental activities” as those terms are used in Office of Management and Budget Circular No. A-76.
- 3. In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

The timeframe for Request 1 is January 20, 2017 to the date that searches are conducted for records responsive to this FOIA request; the timeframe for Request No. 2 is January 1, 2005 through the date that searches are conducted for records responsive to this FOIA request; the timeframe for Request No. 3 is the date this request is received by OPM to the date that searches are conducted for responsive records.

For purposes of this request, the phrase “enforcing any immigration law at the border or in the interior of the United States” refers to any activity related to any of the following: monitoring border crossing; questioning, apprehending, or transporting individuals suspected of unlawfully crossing the border; investigating or identifying individuals suspected of being in the country unlawfully; apprehending individuals suspected of being in the country unlawfully; or any logistical or administrative support related to any of those activities (including but not limited to transportation, surveillance, or data-maintenance). For purposes of this request, the phrase “enforcing any immigration law at the border or in the interior of the United States” does not encompass activities related exclusively to the management of detention facilities.

### RESPONSIVE RECORDS

We ask that all types of records and all record systems be searched to discover records responsive to our request. We seek records in all media and formats. This includes, but is not limited to: agendas, manifests, calendars, schedules, notes, and any prepared documentation for meetings, calls, teleconferences, or other discussions



responsive to our request; voicemails; e-mails; e-mail attachments; talking points; faxes; training documents and guides; tables of contents and contents of binders; documents pertaining to instruction and coordination of couriers; and any other materials. However, you need not produce press clippings and news articles that are unaccompanied by any commentary (e.g., an email forwarding a news article with no additional commentary in the email thread).

We ask that you search for records from all components of OPM that may be reasonably likely to produce responsive results. We also ask that you search all systems of record, including electronic and paper, in use at your agency, as well as files or emails in the personal custody of your employees, such as personal email accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. The Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via email or CD-rom.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record to be provided, as required by 5 U.S.C. § 552(b).

### EXPEDITED PROCESSING REQUEST

We request that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E). This request meets the criteria for expedited processing because there is “[a]n urgency to inform the public about an actual or alleged Federal Government activity,” this request is “made by a person who is primarily engaged in disseminating information;” and this request concerns “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that could affect public confidence.” 5 U.S.C. § 552(a)(6)(E)(v)(ii). As explained below in more detail in the section of this request regarding a fee waiver, The Protect Democracy Project intends to disseminate the information obtained in response to this request.

The role of private contractors in implementing immigration policy is a matter of urgent public importance. As an initial matter, immigration policy is currently a matter of the highest public concern. It was a driving issue in the 2016 presidential campaign,<sup>1</sup>

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<sup>1</sup> See, e.g., Janelle Ross, *From Mexican Rapists to Bad Hombres, the Trump Campaign in Two Moments*, Wash. Post, Oct. 16, 2016; Fox News, *Trump Stands by Statements on Mexican Illegal Immigrants, Surprised by Backlash*, Fox News, July 4, 2015, available at <http://www.foxnews.com/politics/2015/07/04/trump-stands-by-views-dangerous-mexican-illegal-immigrants-admits-surprised-by.html>.

and has been the subject of high-profile executive action in the new administration.<sup>2</sup> Beyond formal policy, the day to day implementation of immigration policy generates intense public interest.<sup>3</sup> Critically relevant to this public debate is the question of what means the government will utilize to meet the increased levels of personnel called for in connection with border and interior enforcement.<sup>4</sup> The public has a right to learn precisely what role private contractors may play in implementing those policies. In the absence of such information, the public cannot adequately assess the contours of federal immigration policy.

The core mission of The Protect Democracy Project, a new organization awaiting 501(c)(3) status, is to inform public understanding on operations and activities of the government. This request is submitted in accordance with the organization's mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. The Protect Democracy Project has routinely demonstrated the ability to disseminate information about its FOIA requests to a wide audience.<sup>5</sup> The Protect Democracy Project has been recognized as an organization that meets the statutory criteria for expedited processing. *Protect*

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<sup>2</sup> See, e.g., Julie Hirschfeld Davis et. al. *Trump to Order Mexican Border Wall and Curtail Immigration*, New York Times, Jan. 24, 2017; White House, Office of the Press Secretary, *President Donald J. Trump Taking Action Against Illegal Immigration*, June 28, 2017, available at <https://www.whitehouse.gov/the-press-office/2017/06/28/president-donald-j-trump-taking-action-against-illegal-immigration>.

<sup>3</sup> See, e.g., Scott Martelle, *We're Seeing the Results of Trump's New Border Enforcement System. They Aren't Pretty*, L.A. Times, Feb. 27, 2018; Jonathan Blitzer, *The Border Patrol Was Primed for President Trump*, The New Yorker, Feb. 17, 2017, available at <http://www.newyorker.com/news/news-desk/the-border-patrol-was-primed-for-president-trump>.

<sup>4</sup> See, e.g., Dan Frosch & Laura Meckler, *In Rush for New Agents, Border Patrol Weighs Changing Polygraph Program*, Wall Street Journal, Apr. 13, 2017; Amanda Holpuch, *White House Plan to Hire More Border Agents Raises Vetting Fear, Ex-Senior Official Says*, The Guardian, Feb. 26, 2017, available at <https://www.theguardian.com/us-news/2017/feb/26/trump-plan-border-agents-vetting-james-tomsheck>; Brian Naylor, *Trump's Plan To Hire 15,000 Border Patrol And ICE Agents Won't Be Easy*, NPR, Feb. 23, 2017, available at <http://www.npr.org/2017/02/23/516712980/trumps-plan-to-hire-15-000-border-patrol-and-ice-agents-wont-be-easy-to-fulfill>.

<sup>5</sup> See, e.g., Lisa Rein, *Watchdog group, citing "integrity of civil service," sues Trump to find out if feds are being bullied*, Wash. Post, Apr. 27, 2017; Ben Berwick, *Going to Court for Civil Servants*, Take Care, April 28, 2017, <https://takecareblog.com/blog/going-to-court-for-civil-servants>; Charlie Savage, *Watchdog Group Sues Trump Administration, Seeking Legal Rationale Behind Syria Strike*, N.Y. Times, May 8, 2017, <https://nyti.ms/2pX82OV>; Justin Florence, *What's the Legal Basis for the Syria Strikes? The Administration Must Acknowledge Limits on its Power to Start a War*, Lawfare, May 8, 2017, <https://www.lawfareblog.com/whats-legal-basis-syria-strikes-administration-must-acknowledge-limits-its-power-start-war>.

*Democracy Project, Inc. v. U.S. Dep't of Def.*, No. 17-CV-00842 (CRC), 2017 WL 2992076 (D.D.C. July 13, 2017). The Protect Democracy Project has no commercial interests.

It is therefore incumbent upon the government and urgent for your office to share any responsive records in an expedited manner. The administration's policies and practices regarding private contractors will inform public understanding of immigration enforcement priorities, the efficacy of federal immigration policy, and the safeguards protecting individuals at the border. The public must have an opportunity to understand the full picture of how the administration navigates those issues.

Under penalty of perjury, I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief.

### FEE WAIVER

FOIA provides that any fees associated with a request are waived if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). The core mission of The Protect Democracy Project, a new organization awaiting 501(c)(3) status, is to inform public understanding on operations and activities of the government. This request is submitted in connection with the organization's mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. The Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, The Protect Democracy Project is entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* The Protect Democracy Project operates in the tradition of 501(c)(3) good government organizations that qualify under FOIA as "news media organizations." Like those organizations, the purpose of The Protect Democracy Project is to "gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience." *Nat's Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Indeed, The Protect Democracy Project has routinely demonstrated the ability to disseminate information about its FOIA requests to a wide audience.<sup>6</sup> The Protect Democracy Project will

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<sup>6</sup> See, e.g., Lisa Rein, *Watchdog group, citing "integrity of civil service," sues Trump to find out if feds are being bullied*, Wash. Post, Apr. 27, 2017, <https://www.washingtonpost.com/news/powerpost/wp/2017/04/27/watchdog-group-citing-integrity-of-civil-service-sues-trump-to-find-out-if-feds-are-being->

disseminate information and analysis about this request – and any information obtained in response – through its website (protectdemocracy.org); its Twitter feed (<https://twitter.com/protctdemocracy>), which has more than 10,000 followers; its email list of approximately 20,000 people; and sharing information with other members of the press.

\* \* \*

Given the 20-day statutory deadline, we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at [larry.schwartztol@protectdemocracy.org](mailto:larry.schwartztol@protectdemocracy.org) or (202) 516-7885 if you require any additional information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,



Larry Schwartztol  
Counsel  
The Protect Democracy Project

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bullied/?utm\_term=.8647ab128f3e; Ben Berwick, *Going to Court for Civil Servants*, Take Care, April 28, 2017, <https://takecareblog.com/blog/going-to-court-for-civil-servants>; Charlie Savage, *Watchdog Group Sues Trump Administration, Seeking Legal Rationale Behind Syria Strike*, N.Y. Times, May 8, 2017, <https://nyti.ms/2pX82OV>; Justin Florence, *What's the Legal Basis for the Syria Strikes? The Administration Must Acknowledge Limits on its Power to Start a War*, Lawfare, May 8, 2017, <https://www.lawfareblog.com/whats-legal-basis-syria-strikes-administration-must-acknowledge-limits-its-power-start-war>.

# QUALIFICATION STANDARD FOR BP AGENTS



**U.S. Customs and  
Border Protection**

FEB 28 2017

MEMORANDUM FOR: Angela Bailey  
Chief Human Capital Officer  
Department of Homeland Security

THROUGH: Gwen Yandall  
Executive Director Hiring Policy  
Office of Human Capital  
Department of Homeland Security

FROM: Linda L. Jacksta (b) (6)  
Assistant Comm  
Office of Human Resources Management

SUBJECT: Request for Revision to the Individual Occupational  
Requirement for Border Patrol Enforcement Series, 1896

The purpose of this memorandum is to request, on behalf of U.S. Customs and Border Protection (CBP), the removal of the Artificial Language Test (ALT) and Bilingual Ability from the Individual Occupational Requirement for the Border Patrol Enforcement Series, 1896.

As a result of the President's January 26, 2017 Executive Order, *Border Security and Immigration Enforcement Improvements*, CBP has determined that to meet current and future Agency hiring needs and obtain the skills to meet today's demanding standards for performing the job functions, it is vital to remove the ALT and Bilingual Ability from the existing qualification standard in the Border Patrol Enforcement Series, 1896.

CBP requests that the Office of Personnel Management revise the existing qualifications standard to remove the requirement for the ALT and Bilingual Ability for the Border Patrol Enforcement Series, 1896. Historically, Border Patrol Agents (BPAs) have begun their careers on the Southwest Border, where the Spanish language is pervasive. To ensure employees possess the necessary language skills, all BPA trainees are instructed in speaking and reading Spanish as part of their initial training. BPAs must be proficient in reading and speaking Spanish by the time they graduate from the Border Patrol Academy.

Request for Revision to the Individual Occupational Requirement for Border Patrol  
Enforcement Series, 1896  
Page 2

The information below details why the current individual occupational requirement qualification standards and selective factors no longer adequately meet the qualification needs of the Agency.

***a. Written explanation of why current standards and selective factors do not adequately meet the qualification needs of the Agency. (Please see attached reports on job analysis studies)***

In 2015, the Office of Human Resources Management's Personnel Research and Assessment Division and the Medical and Fitness Branch conducted a comprehensive job analysis of the BPA positions to gather information on revised qualifications for entry-level positions and the critical elements for full performance level (journeyman level, GS-12). The scope of the BPA job analysis was journeyman level and supervisory/managerial positions at the GS-12 through GS-15 grade levels. Newly hired BPAs and those who were not yet at the GS-12 grade level were excluded, because their on-the-job experience was limited (in the case of employees at the GS-5 to GS-7 grade level) or not yet at the journeyman level GS-9 to GS-11 grade levels). Because the vast majority of BPAs progress to the journeyman level after five or fewer years on the job, it was possible to focus the study on the journeyman level and apply the competencies and Knowledge, Skills, and Abilities (KSAs) that are critical (including needed at entry) to the selection for BPA positions at the GS-5 to GS-7 grade levels.

Based on the confirmed ratings, 28 of the 80 competencies/KSAs were rated critical for entry-level selection purposes. More specifically, 27 of the 33 general competencies met or exceeded the criticality cutoff score. Meanwhile, only Teaching Others, Equipment Application, Skill in Speaking Spanish, Skill in Comprehending Spoken Spanish, Skill in Reading Spanish, and Knowledge of Spanish Grammar, Spelling, and Vocabulary did not meet the criticality cutoff score. Of the 47 technical competencies/KSAs, only one (Skill in Basic Operation of a Motor Vehicle, which involves the everyday use of vehicles such as parallel parking) met or exceeded the criticality cutoff score.

A summary of the results for the general competencies is provided in the job analysis report. A link to the report is attached for your reference. The competencies are rank ordered in terms of confirmed importance ratings. The most critical competencies for the GS-12 journeyman-level BPA position (based on the confirmed ratings for all rating scales) were Integrity, Decision Making, Judgment, Reading, Emotional Maturity, Ability to learn Spanish or existing proficiency in Spanish, Vigilance, and Ability to Communicate Effectively in English. There was an eight-way tie on importance between these competencies with a rating of three on either needed at journeyman level or better performance.

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Enforcement Series, 1896

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The job analysis study concluded that the competencies related to speaking Spanish were not required to be rated as needed at qualification entry. The study also confirmed that the utility or need for this assessment is low. Nearly all applicants pass the test; the percent of applicants that pass the ALT move on to successfully complete the Spanish training at the academy at the rate of nearly 100 percent. Further, current BPAs, including those stationed in southern border sectors, have indicated that the ability to speak, understand, read, and write Spanish was not needed at qualification entry into the job. Selectees report immediately to the training academy and undergo approximately 20 weeks of training to develop their Spanish language ability at the required level. The study also concluded that the competencies related to the bilingual ability were not rated as needed at qualification entry levels.

***b. Approximate number of jobs in the Agency that will be covered by the proposed new qualification standard. Include grades, organizations, geographical locations and all series of the affected positions.***

As of February 14, 2017, there were approximately 19,374 positions within CBP that would be covered and affected by the proposed qualification standard. The grades and occupational series for the affected positions were GS-5 through GS-7 in the 1896 series, including both vacant and filled positions that reach a full performance level of up to GS-12. The proposed qualification standard affects U.S. Border Patrol in all geographical locations. The 19,374 positions do not include 1,996 positions necessary to meet the 21,370 positions mandated by Congress. It also does not include the additional 5,000 positions mandated by the January 25, 2017 Executive Order.

***c. Written explanation of what impact, if any, the proposed standard will have on current employees and on other positions within the organization.***

There is little risk associated with this decision. The Border Patrol Academy will continue to ensure all applicants obtain the appropriate level of proficiency in Spanish in order to meet graduation requirements.

***d. Copies of position descriptions (PDs) (entry, full-performance, and higher levels), evaluation statements, and related position classification information (Please see attached position descriptions).***

The classification standard for the 1896 series requires BPAs to possess:

- a) Knowledge of statutes, regulations, instructions, and precedent-setting decisions pertaining to enforcement of immigration and naturalization laws and regulations;



- b) Knowledge of standard investigative techniques and law enforcement procedures to enforce immigration and naturalization laws and related Federal statutes;
- c) Skill in evaluating information rapidly, making timely decisions, and taking prompt and appropriate actions under less than optimal conditions;
- d) Proficiency in a foreign language; and
- e) An understanding of foreign cultures and customs.

BPA's must be able to apply the above KSAs in the performance of their duties to detect and prevent illegal entry and smuggling of aliens, commercial goods, narcotics, weapons, or contraband into the United States and to arrest people suspected of such violations. In today's economic climate, it is critical that BPA's possess those skills to enforce the laws that protect the Nation's homeland by the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle any person or contraband across our Nation's borders.

Removing the ALT does not affect the link between the levels of qualifications required for a job and the work required at a specific grade level in the classification process. The Spanish proficiency testing requirement will continue to align with the current classification standards as required.

***e. Copies of vacancy announcements used to recruit for positions***

Please see attached vacancy announcements for recruiting GS-5, GS-7, and GS-9 BPA's.

***f. Copies of the results of job analysis for entry, full-performance, and higher levels which show:***

The job analysis report, a link for which is attached, includes task lists for the above levels:

- Linkage of tasks to required knowledge, skills, abilities, or competencies.
- Linkage of any education identified to the tasks.
- Individual ratings and background information on the subject matter experts (SMEs) who performed the job analysis worksheet for tasks; job analysis worksheet for competencies/KSAs; and linkage between the individual tasks and the competency/KSAs.
- Combined ratings of SMEs.

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***g. A proposed qualification standard and job analysis supporting the proposed standard.***

Please see attached proposed Border Patrol Enforcement Series 1896 Individual Qualification Standard which removes the ALT and Bilingual Ability supported by the job analysis report.

***h. Any additional information pertinent to revision or development of the new qualification standard.***

None.

If you have any questions, please feel free to contact me. If members of your staff have questions, they may contact (b) (6) Human Resources Specialist, at (b) (6) or via e-mail at (b) (6)

Attachments



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

APR - 5 2017

Employee Services

MEMORANDUM FOR ANGELA BAILEY  
CHIEF HUMAN CAPITAL OFFICER  
DEPARTMENT OF HOMELAND SECURITY

FROM: KIMBERLY A. HOLDI  
DEPUTY ASSOCIATE  
RECRUITMENT AND HIRING

Subject: Revisions to the Qualification Standard for the Border Patrol  
Enforcement Series, 1896

The U.S. Office of Personnel Management (OPM) has approved your request to revise the Border Patrol Enforcement Series, 1896 Qualification Standard. The letter that OPM received from the U.S. Department of Homeland Security (DHS), on the behalf of U.S. Customs and Border Protection (CBP), requested OPM revise the Individual Occupational Requirement (IOR) for the Border Patrol Enforcement Series, 1896 in support of the President's January 26, 2017 Executive Order, *Border Security and Immigration Enforcement Improvements*. Specifically, DHS/CBP requested that OPM modify the existing IOR to remove the Test Requirements (the Alternative Language Test (ALT) and the Spanish Proficiency Test) and Bilingual Ability provisions from the 1896 Qualification Standard.

CBP provided OPM documentation for review to support the request for the removal of the Test Requirements and Bilingual Ability provisions. OPM completed a comprehensive review of the documentation provided by CBP including a job analysis to validate the request. In addition, OPM met with CBP's Office of Human Resources and the Personnel Research and Assessment Division to discuss the request in more detail. CBP confirmed the ALT and Spanish Proficiency Test were no longer required prior to issuing certificate of eligibles. All Border Patrol Agents receive training and instruction in speaking and reading in Spanish as part of their basic training and are assessed for proficiency in Spanish at the completion of basic training.

This memo approves a revision to the Border Patrol Enforcement IOR by deleting the Test Requirements and revising the Bilingual Ability provision. For continued employment eligibility after appointment, all Border Patrol Agents must meet the Spanish proficiency requirement by the conclusion of basic training. Therefore, the Bilingual Ability provision should be retained in the IOR. In addition, the Bilingual Ability should be included as a condition of employment when posting Job Opportunity Announcements (JOAs). By issuance of this memo, the revised qualification standard shall be effective immediately and applied to the GS-1896 positions within CBP.

I appreciate the opportunity to respond to you on this matter. If you have questions or if we can be of further assistance please contact (b) (6)

(b) (6)

Attachment

## Border Patrol Enforcement Series, 1896

*There is no Group Coverage Qualification Standard for this series. Use the Individual Occupational Requirements described below.*

### Individual Occupational Requirements

#### EDUCATION AND EXPERIENCE REQUIREMENTS

The following table shows the amounts of education and/or experience required to qualify for positions covered by this standard.

#### Requirements

GRADE	EDUCATION	EXPERIENCE	
		General	Specialized
GS-5	4-year course of study above high school leading to a bachelor's degree	1 year equivalent to at least GS-4	None
GS-7	1 full academic year of graduate education or law school or superior academic achievement	None	1 year equivalent to at least GS-5
GS-9	None	None	1 year equivalent to at least GS-7
GS-11	None	None	1 year equivalent to at least GS-9
GS-12 and above	None	None	1 year equivalent to at least the next lower grade level

Equivalent combinations of education and experience are qualifying for grade levels for which both education and experience are acceptable. Note that academic study may be prorated to allow combinations of education and experience that total 1 year for GS-5, e.g., 1 year of college study is equivalent to 3 months of general experience, 2 years of study to 6 months of general experience, and 3 years of study to 9 months of general experience.

#### Education

*Undergraduate Education.* Major study -- any field.

*Graduate Education.* Major study -- fields related to law enforcement, e.g., police science, or law school education meets the requirements for GS-7.

Education is not creditable for positions above the GS-7 level.

or

## **Experience**

*General Experience (for GS-5 positions):* Experience that demonstrated the ability to:

- Take charge, maintain composure, and make sound decisions in stressful situations.
- Learn law enforcement regulations, methods, and techniques through classroom training and/or on-the-job instruction.
- Gather factual information through questioning, observation, and examination of documents and records.

These abilities may have been gained in positions such as:

- Interviewer in a public or private service agency who deals with requests for services or benefits; and who explains, interprets, and applies rules, regulations, and procedures.
- Claims adjuster or journalist whose work requires gathering information through public contacts.
- Participant in community action programs who performs work such as volunteer teaching or counseling.
- Building guard, prison guard, institutional police, or similar position that requires learning regulations and dealing with people.
- Customer relations work that requires the applicant to obtain accurate information, make logical determinations, and resolve practical problems.

*Specialized Experience (for positions above GS-5):* Experience in law enforcement or other responsible work that demonstrated the ability to:

- Make arrests and exercise sound judgment in the use of firearms.
- Deal effectively with individuals or groups of persons in a courteous, tactful manner in connection with law enforcement matters.
- Analyze information rapidly and make prompt decisions or take prompt and appropriate law enforcement action in light of applicable laws, court decisions, and sound law enforcement procedures.
- Develop and maintain contact with a network of informants.

These abilities may have been gained in work such as:

- Inspection of persons and their records to determine their eligibility to enter the United States under immigration laws.
- Correctional or rehabilitation work involving criminal offenders, or residents in public or private institutions.
- Criminal investigation, police officer, or other law enforcement work that required the ability to plan and conduct investigations, plan and make arrests, serve court orders, use firearms, and deal with people in a persuasive, tactful, and resourceful manner.

For positions at GS-9 and above, experience must have included interpreting and enforcing Immigration and Naturalization Service or comparable laws, rules, and regulations.

### **Bilingual Ability**

Border Patrol work requires the ability to speak, read, and write in Spanish and English. All Border Patrol Agents receive training and instruction in speaking and reading in Spanish as part of the basic training for Border Patrol Agents. For continued employment eligibility after appointment, individuals must meet the Spanish proficiency requirement by the conclusion of basic training.

### **Ability To Use Firearms**

All positions require qualification in the use of firearms. Proficiency with standard issue firearms must be demonstrated for successful completion of training. All Agents are required to carry a handgun in the performance of their duties, and to qualify periodically with that handgun.

### **Valid Driver's License**

Applicants must possess a valid driver's license at the time of appointment. They must qualify to operate motor vehicles in accordance with applicable government regulations after they are hired.

### **Employment Interview**

Applicants for all grade levels must demonstrate in a pre-employment interview that they possess the traits and characteristics important to Border Patrol Agent positions. These include judgment, problem solving, emotional stability, and interpersonal skills.

### **Maximum Entry Age Requirements**

Under the authority of Public Law 100-238, the U. S. Department of Justice has established the date immediately preceding one's 37th birthday as the maximum age for original entry into the position of Border Patrol Agent.

### **Medical Requirements**

The duties of positions in this series involve physical exertion under rigorous environmental conditions including unpredictable exposure to loud sounds, stress, and extremes of heat and cold; irregular and protracted hours of work over rugged terrain; patrol duties on foot, motor vehicle, and aircraft; and participation in physical training. Applicants must be in sound physical condition and of good muscular development.

*Vision.* Inocular vision is required and must test 20/40 (Snellen) without corrective lenses. Uncorrected vision must test at least 20/70 in each eye. Vision in each eye must be corrected to 20/20. Near vision, corrected or uncorrected, must be sufficient to read Jaeger Type 2 at 14

inches. Ability to distinguish basic colors by pseudoisochromatic plate test (missing no more than four plates) is required, as is normal peripheral vision. Based on the results of clinical studies of candidates who have undergone Radial Keratotomy eye operations to correct vision defects, the medical techniques of Radial Keratotomy or Orthokeratology will not be accepted as a means of meeting Border Patrol Agent vision requirements.

*Hearing.* Using an audiometer for measurement, there should be no loss of 30 or more decibels in each ear at the 500, 1000, and 2000 Hz levels.

*Speech.* Diseases or conditions resulting in indistinct speech are disqualifying.

*Respiratory System.* Any chronic disease or condition affecting the respiratory system that would impair the full performance of duties of the position is disqualifying, e.g., conditions that result in reduced pulmonary function, shortness of breath, or painful respiration.

*Cardiovascular System.* The following conditions are disqualifying: organic heart disease (compensated or not), hypertension with repeated readings that exceed 150 systolic and 90 diastolic without medication, and symptomatic peripheral vascular disease and severe varicose veins.

*Gastrointestinal System.* Chronic symptomatic diseases or conditions of the gastrointestinal tract are disqualifying. Medical conditions requiring long-term use of medication(s) may be disqualifying. Each case will be evaluated on a case-by-case basis prior to any employment decision.

*Endocrine System.* Systemic metabolic disease that is likely to affect job performance adversely, such as uncontrolled diabetes, is disqualifying.

*Genito Urinary Disorders.* Chronic, symptomatic diseases or conditions of the genito urinary tract are disqualifying.

*Extremities and Spine:* Any deformity or disease that would interfere with range of motion or dexterity to the extent that it would affect adversely the full performance of the duties of the position is disqualifying.

*Hernias.* Inguinal and femoral hernias with or without the use of a truss are disqualifying. Other hernias are disqualifying if they interfere with performance of the duties of the position.

*Nervous System.* Applicants must possess emotional and mental stability with no history of a basic personality disorder. Any neurological disorder that could result in seizures, convulsions, loss of consciousness, or decreased neurological or muscular function is disqualifying.

*Miscellaneous.* Though not mentioned specifically above, any other disease or condition that interferes with the full performance of duties is also grounds for medical rejection. Before entrance on duty, all applicants must undergo a pre-employment medical examination and be medically suitable to perform the full range of duties of the position efficiently and without

hazard to themselves and others. Failure to meet any one of the required medical qualifications will be disqualifying for appointment. These standards are considered minimum standards and will not be waived in any case. Applicants found to have a correctable condition may be restored to any existing list of eligibles for further consideration for appointment when the disqualifying condition is satisfactorily corrected or eliminated.